

Michigan Register

Issue No. 17 – 2021 (Published October 1, 2021)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

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(This issue, published October 1, 2021, contains
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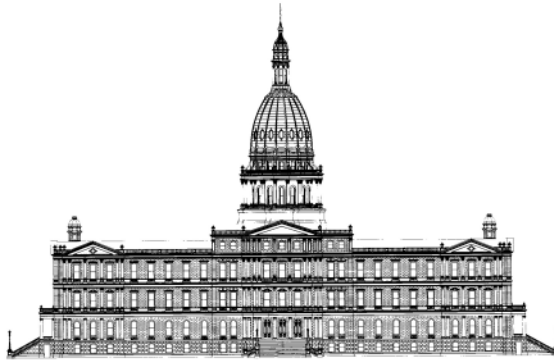
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Gretchen Whitmer, Governor



Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Michigan Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
- (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
- (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
- (5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2021 MR 1 refers to the year of issue (2021) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Michigan Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Michigan Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Michigan Office of Administrative Hearings and Rules, Ottawa Building –Second Floor, 611 W. Ottawa Street, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Michigan Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the website of the Michigan Office of Administrative Hearings and Rules – Administrative Rules Division: www.michigan.gov/ard.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Michigan Office of Administrative Hearings and Rules website. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Executive Director,
Michigan Office of Administrative Hearings and Rules

2021 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2021	February 1, 2021
2	February 1, 2021	February 15, 2021
3	February 15, 2021	March 1, 2021
4	March 1, 2021	March 15, 2021
5	March 15, 2021	April 1, 2021
6	April 1, 2021	April 15, 2021
7	April 15, 2021	May 1, 2021
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19	October 15, 2021	November 1, 2021
20	November 1, 2021	November 15, 2021
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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

MIOSHA SAFETY AND HEALTH STANDARD

Filed with the secretary of state on September 9, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of labor and economic opportunity by section 69 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1069, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.22102a, R 408.22103, R 408.22104, R 408.22107, R 408.22133, R 408.22151, and R 408.22156 of the Michigan Administrative Code are amended, as follows:

PART 11. RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES

R 408.22102a Adopted and referenced standards.

Rule 1102a. (1) The following federal standards are adopted by reference in these rules:

(a) 29 CFR 1903.2, "Posting of notice; availability of the Act, regulations and applicable standards," amended July 1, 2016.

(b) 45 CFR 164.512, "Uses and disclosures for which an authorization or opportunity to agree or object is not required," amended May 12, 2016.

(2) The standards adopted in these rules are available from the United States Government Printing Office website: www.ecfr.gov, at no charge as of the time of adoption of these rules.

(3) The standards adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(4) The standards adopted in these rules may be obtained as shown in these rules or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(5) The following MIOSHA standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Occupational Health Standard Part 380. "Occupational Noise Exposure in General Industry," R 325.60101 to R 325.60128.

(b) General Industry Safety and Health Standard Part 554. “Bloodborne Infectious Diseases,” R 325.70001 to R 325.70018.

R 408.22103 Exceptions; applicability; petitions.

Rule 1103. (1) Both of the following provisions apply to exemptions based on employee numbers and industry classifications:

(a) If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep MIOSHA injury and illness records unless MIOSHA, the United States Bureau of Labor Statistics (BLS), or the United States Department of Labor Occupational Safety and Health Administration (OSHA), informs you, in writing, that you must keep records according to R 408.22141, R 408.22141a, R 408.22141b, or R 408.22142. However, as required by R 408.22139, all employers covered by the act shall report to MIOSHA any workplace incident that results in a fatality, inpatient hospitalization, amputation, or loss of an eye.

(b) If your company had more than 10 employees at any time during the last calendar year, you must keep MIOSHA injury and illness records unless your establishment is classified as a partially exempt industry under this rule.

(2) Both of the following provisions apply to implementation of employee number based exemptions:

(a) Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment? The partial exemption for size is based on the number of employees in the entire company.

(b) How do I determine the size of my company to find out if I qualify for the partial exemption for size? To determine if you are exempt because of size, you must determine your company's peak employment during the last calendar year. If you did not have more than 10 employees at any time in the last calendar year, then your company qualifies for the partial exemption for size.

(3) Both of the following provisions apply to basic requirements for partial exemption for establishments in certain industries:

(a) If your business establishment is classified in a specific industry group listed in Appendix A, you do not need to keep MIOSHA injury and illness records unless MIOSHA, the United States Bureau of Labor Statistics (BLS), or the United States Department of Labor Occupational Safety and Health Administration (OSHA), informs you, in writing, that you must keep the records according to R 408.22141, R 408.22141a, R 408.22141b, or R 408.22142. However, all employers must report to MIOSHA any workplace incident that results in an employee's fatality, inpatient hospitalization, amputation, or loss of an eye as required by R 408.22139.

(b) If 1 or more of your company's establishments are classified in a nonexempt industry, then you must keep MIOSHA injury and illness records for all of such establishments unless your company is partially exempted because of size under these rules.

(4) Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company? The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be partially exempt.

(5) How do I determine the correct North American Industry Classification System (NAICS) code for my company or for individual establishments? You may determine your NAICS code by using 1 of the following methods, or you may contact your nearest OSHA office or state agency for help in determining your NAICS code:

(a) You may use the search feature at the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>. In the search box for the most recent NAICS, enter a keyword that describes your kind of business. A list of primary business activities containing that keyword and the corresponding NAICS codes will appear. Choose the 1 code that most closely corresponds to your primary business activity, or refine your search to obtain other choices.

(b) Rather than searching through a list of primary business activities, you may also view the most recent complete NAICS structure with codes and titles by clicking on the link for the most recent NAICS on the U.S. Census Bureau NAICS main Web page: <https://www.census.gov/naics>. Then click on the 2-digit sector code to see all the NAICS codes under that sector. Then choose the 6-digit code of your interest to see the corresponding definition, as well as cross-references and index items, when available.

(c) If you know your old standard industrial classification (SIC) code, you can also find the appropriate 2002 NAICS code by using the detailed conversion (concordance) between the 1987 SIC and 2002 NAICS available in Excel format for download at the “Concordances” link at the U.S. Census Bureau NAICS main Web page: <https://www.census.gov/naics>.

(6) The department of labor and economic opportunity shall supply copies of the forms provided for in these rules and compile, correct, and analyze data obtained pursuant to these rules. The department shall process petitions for exceptions to these rules from public employers. The Occupational Safety and Health Administration (OSHA) of the United States Department of Labor shall process petitions for exceptions from private employers to ensure uniformity between federal and state rules.

R 408.22104 Definitions; A to D.

Rule 1104. (1) "Act" means the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.

(2) "Affected employee" means an employee who is affected by the granting or denial of an exception, or an authorized representative as defined by the act.

(3) "Amputation" means the traumatic loss of a limb or other external body part. Amputation includes all of the following:

(a) A part, such as a limb or appendage, that has been severed, cut off, or amputated, either completely or partially.

(b) Fingertip amputations with or without bone loss.

(c) Medical amputations resulting from irreparable damage.

(d) Amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, deglovings, scalpings, severed ears, or broken or chipped teeth.

(4) "Department" means the department of labor and economic opportunity.

(5) "Director" means the director of the department of labor and economic opportunity.

R 408.22107 Definitions; O to Y.

Rule 1107. (1) "Occupational injury or illness" means an abnormal condition or disorder. Occupational injury is a result of a work accident or from an exposure involving a single incident in the work environment and includes, but is not limited to, a cut, fracture, sprain, or amputation. Occupational illnesses include both acute and chronic illnesses, including, but not limited to, a skin disease, respiratory disorder, or poisoning. Injuries and illnesses are recordable only if they are new, work-related cases that meet 1 or more of the recording criteria of these rules.

(2) "Other potentially infectious material" means other potentially infectious material as defined in General Industry Safety and Health Standard Part 554. "Bloodborne Infectious Diseases," as referenced in R 408.22102a. These materials include the following:

- (a) Human bodily fluids, tissues, and organs.
- (b) Other materials infected with the HIV or hepatitis B (HBV) virus, such as laboratory cultures or tissues from experimental animals.
- (3) "Physician or other licensed health care professional" means a physician or other licensed health care professional who is an individual and whose legally permitted scope of practice, that is, license, registration, or certification, allows him or her to independently perform, or be delegated the responsibility to perform, the activities described by these rules.

(4) "Recordable injuries and illness" means an injury or illness that meets the general recording criteria, and therefore is recordable, if it results in any of the following:

- (a) Death.
- (b) Days away from work.
- (c) Restricted work or transfer to another job.
- (d) Medical treatment beyond first-aid.
- (e) Loss of consciousness.

An employer must also consider a case as meeting the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first-aid, or loss of consciousness.

(5) "Standard threshold shift" means a change in the hearing threshold relative to the baseline audiogram of an average of 10 dB or more at 2000, 3000, and 4000 Hz in either ear.

(6) "You" means an employer as defined in section 5 of the act, MCL 408.1005.

R 408.22133 Retention and updating.

Rule 1133. (1) Basic requirement. You must save the MIOSHA 300 Log, the privacy case list, if one exists, the annual summary, and the MIOSHA 301 Incident Report forms for 5 years following the end of the calendar year that these records cover.

(2) All of the following apply to implementation of subrule (1) of this rule:

- (a) Am I required to update the MIOSHA 300 Log during the 5-year storage period? Yes, during the storage period, you must update your stored MIOSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.
- (b) Am I required to update the annual summary? No, you are not required to update the annual summary, but you may do so if you wish.
- (c) Am I required to update the MIOSHA 301 Incident Report? No, you are not required to update the MIOSHA 301 Incident Report, but you may do so if you wish.

R 408.22151 Public employer petition for alternate record maintenance.

Rule 1151. A public employer who wishes to maintain records in a manner different from that required by this part shall submit a petition containing the information prescribed in R 408.22153 to the Department of Labor and Economic Opportunity, MIOSHA, Box 30643, Lansing, Michigan 48909.

R 408.22156 Notice of exception; publication.

Rule 1156. Notice that an exception has been granted as prescribed by this part must be published in the MIOSHA News, a quarterly publication of the department of labor and economic opportunity. This notice may summarize the alternative to the rules involved which the particular exception permits.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on September 9, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.41001 of the Michigan Administrative Code is amended, as follows:

PART 10. CRANES AND DERRICKS

R 408.41001 Scope, adoption, and availability of standards.

Rule 1001. (1) This standard applies to power-operated equipment, when used in construction, that can hoist, lower, and horizontally move a suspended load. Such equipment includes, but is not limited to, any of the following:

- (a) Articulating cranes, such as knuckle-boom cranes.
- (b) Crawler cranes.
- (c) Floating cranes.
- (d) Cranes on barges.
- (e) Locomotive cranes.
- (f) Mobile cranes, such as wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted, and boom truck cranes.
- (g) Multi-purpose machines when configured to hoist and lower by means of a winch or hook and horizontally move a suspended load.
- (h) Industrial cranes, such as carry-deck cranes.
- (i) Dedicated pile drivers.
- (j) Service/mechanic trucks with a hoisting device.
- (k) Crane on a monorail.
- (l) Tower cranes, such as a fixed jib, for example, "hammerhead boom", luffing boom, and self-erecting.
- (m) Pedestal cranes.
- (n) Portal cranes.
- (o) Overhead and gantry cranes.

- (p) Straddle cranes.
- (q) Sideboom cranes.
- (r) Derricks.
- (s) Variations of equipment listed in subdivisions (a) to (r) of this subrule. Items listed in subrule (3) of this rule are excluded from the scope of this standard.
- (2) Attachments. This standard applies to equipment included in subrule (1) of this rule when used with attachments. These attachments, whether crane-attached or suspended, include, but are not limited to, any of the following:
 - (a) Hooks.
 - (b) Magnets.
 - (c) Grapples.
 - (d) Clamshell buckets.
 - (e) Orange peel buckets.
 - (f) Concrete buckets.
 - (g) Drag lines.
 - (h) Personnel platforms.
 - (i) Augers or drills.
 - (j) Pile driving equipment.
- (3) Exclusions. This standard does not cover any of the following:
 - (a) Machinery included in subrule (1) of this rule while it has been converted or adapted for a non-hoisting or lifting use. These conversions or adaptations include, but are not limited to, any of the following:
 - (i) Power shovels.
 - (ii) Excavators.
 - (iii) Concrete pumps.
 - (b) The following machinery is excluded when used with chains, slings, or other rigging to lift suspended loads:
 - (i) Power shovels.
 - (ii) Excavators.
 - (iii) Wheel loaders.
 - (iv) Backhoes.
 - (v) Loader backhoes.
 - (vi) Track loaders.
 - (c) Automotive wreckers and tow trucks when used to clear wrecks and haul vehicles.
 - (d) Digger derricks when used for augering holes for poles carrying electric or telecommunication lines, placing and removing the poles, and for handling associated materials to be installed on, or removed from, the poles. Digger derricks used in work subject to Construction Safety Standard Part 16. “Power Transmission and Distribution,” must comply with General Industry Safety and Health Standard Part 86. “Electric Power Generation, Transmission, and Distribution.” Digger derricks used in construction work for telecommunication service, as defined in and must comply with Construction Safety and Health Standard Part 30. “Telecommunications for Construction.”
 - (e) Machinery originally designed as vehicle-mounted aerial devices for lifting personnel and self-propelled elevating work platforms.
 - (f) Telescopic or hydraulic gantry systems.
 - (g) Stacker cranes.
 - (h) Powered industrial trucks, for example, forklifts, except when configured to hoist and lower by means of a winch or hook and horizontally move a suspended load.

(i) Mechanic's truck with a hoisting device when used in activities related to equipment maintenance and repair.

(j) Machinery that hoists by using a come-a-long or chainfall.

(k) Dedicated drilling rigs.

(l) Gin poles when used for the erection of communication towers.

(m) Tree trimming and tree removal work.

(n) Anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame.

(o) Roustabouts.

(p) Material delivery under the following conditions:

(i) Articulating knuckle-boom truck cranes that deliver material to a construction site when used to transfer materials from the truck crane to the ground, without arranging the materials in a particular sequence for hoisting.

(ii) Articulating or knuckle-boom truck cranes that deliver material to a construction site when the crane is used to transfer building supply sheet goods or building supply packaged materials from the truck crane onto a structure, using a fork or cradle at the end of the boom, but only when the truck crane is equipped with a properly functioning automatic overload prevention device. These sheet goods or packaged materials include, but are not limited to, sheets of sheet rock, sheets of plywood, bags of cement, sheets or packages of roofing shingles, and rolls of roofing felt.

(iii) The exclusion in this subdivision does not apply when used under any of the following circumstances:

(A) The articulating or knuckle-boom crane is used to hold, support, or stabilize the material to facilitate a construction activity, such as holding material in place while it is attached to the structure.

(B) The material being handled by the articulating knuckle-boom crane is a prefabricated component. Prefabricated components include, but are not limited to, precast concrete members or panels; roof trusses constructed of wood; cold formed metal, steel, or other materials; and prefabricated building sections such as, but not limited to, floor panels, wall panels, roof panels, roof structures, or similar items.

(C) The material being handled by the crane is a structural steel member, for example, steel joists, beams, columns, bundled or unbundled steel decking, or a component of a systems-engineered metal building, as defined in Construction Safety Standard Part 26. "Steel Erection."

(D) The activity is not specifically excluded under 29 CFR 1926.1400(c)(17)(i) and (ii).

(4) All sections of 29 CFR part 1926, subpart CC, apply to the equipment covered by this standard unless specified otherwise.

(5) The duties of controlling entities under this standard include, but are not limited to, the duties specified in 29 CFR 1926.1402(c) and (e) and 1926.1424(b).

(6) Where provisions of this standard direct an operator, crewmember, or other employee to take certain actions, the employer must establish effective communication to the relevant persons, and enforce work rules to ensure compliance with such provisions.

(7) Work covered by Construction Safety Standard Part 16. "Power Transmission and Distribution," in compliance with General Industry Safety and Health Standard Part 86. "Electric Power Generation, Transmission, and Distribution," is deemed in compliance with 29 CFR 1926.1407 to 1926.1411.

(8) 29 CFR 1926.1402 does not apply to cranes designed for use on railroad tracks, when used on railroad tracks that are part of the general railroad system of transportation that is regulated under the Federal Railroad Administration under 49 CFR part 213, and that comply with applicable Federal Railroad Administration requirements. See 29 CFR 1926.1402(f).

(9) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR part 1926, subpart CC, “Cranes and Derricks in Construction,” 29 CFR 1926.1400 to 1926.1442, as amended November 16, 2020, except 29 CFR 1926.1400(c)(16) is not adopted, and as specified in subrules (e) and (f) of this rule.

(b) 29 CFR part 1926, subpart CC, appendix A “Standard Hand Signals,” as amended August 9, 2010.

(c) 29 CFR part 1926, subpart CC, appendix B “Assembly/Disassembly--Sample Procedures for Minimizing the Risk of Unintended Dangerous Boom Movement,” as amended August 9, 2010.

(d) 29 CFR part 1926, subpart CC, appendix C “Operator Certification--Written Examination--Technical Knowledge Criteria,” as amended August 9, 2010.

(e) 29 CFR 1926.1427, “Operator training, certification, and evaluation,” as amended November 9, 2018.

(f) 29 CFR 1926.1430, “Training,” as amended November 9, 2018.

(10) A reference to 29 CFR 1926.251 means Construction Safety and Health Standard Part 8. “Handling and Storage of Materials.”

(11) A reference to 29 CFR 1926.959 and 1926.960 means Construction Safety Standard Part 16. “Power Transmission and Distribution.”

(12) A reference to 29 CFR part 1926, subpart R means Construction Safety Standard Part 26. “Steel Erection,” and Construction Safety Standard Part 28. “Personnel Hoisting in Steel Erection.”

(13) A reference to 29 CFR 1926.500 and 1926.502 means Construction Safety Standard Part 45. “Fall Protection.”

(14) A reference to 29 CFR 1926.106 means Construction Safety and Health Standard Part 6. “Personal Protective Equipment.”

(15) A reference to 29 CFR 1910.268 means Construction Safety and Health Standard Part 30. “Telecommunications for Construction.”

(16) A reference to 29 CFR 1910.179 means General Industry Safety and Health Standard Part 18. “Overhead and Gantry Cranes.”

(17) A reference to 29 CFR 1910.147 means General Industry Safety and Health Standard Part 86. “Electric Power Generation, Transmission, and Distribution.”

(18) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(19) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(20) A reference to the American National Standards Institute Standard ANSI B30.5-1968 in 29 CFR 1926.1433(a) means ANSI B30.5, “Mobile and Locomotive Cranes,” 1994 edition, which is adopted by reference in these rules. This standard is available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website, <http://global.ihs.com>, at a cost as of the time of adoption of these rules of \$119.00.

(21) A reference to the Power Crane and Shovel Association Standard PCSA Std. No. 2 (1968) in 29 CFR 1926.1433(a) means PCSA No. 4, “Mobile Power Crane and Excavator and Hydraulic Crane Standards,” 1983 edition, which is adopted by reference in these rules. This standard is available from the Association of Equipment Manufacturers, 6737 West Washington Street, Suite 2400, Milwaukee, Wisconsin, 53214-5647, USA, telephone number: 1-414-272-0943 or via the internet at website, <http://shop.aem.org>, at no charge, as of the time of adoption of these rules.

(22) The standards adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(23) The standards adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street,

P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(24) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety and Health Standard Part 8. “Handling and Storage of Materials,” R 408.40801 to R 408.40841.

(b) Construction Safety Standard Part 16. “Power Transmission and Distribution,” R 408.41601 to R 408.41658.

(c) Construction Safety Standard Part 26. “Steel Erection,” R 408.42601 to R 408.42656.

(d) Construction Safety Standard Part 28. “Personnel Hoisting in Steel Erection,” R 408.42801 to R 408.42809.

(e) Construction Safety Standard Part 45. “Fall Protection,” R 408.44501 to R 408.44502.

(f) Construction Safety and Health Standard Part 6. “Personal Protective Equipment,” R 408.40601 to R 408.40660.

(g) Construction Safety and Health Standard Part 30. “Telecommunications for Construction,” R 408.43001 to R 408.43006.

(h) General Industry Safety and Health Standard Part 18. “Overhead and Gantry Cranes,” R 408.11801 to R 408.11875.

(i) General Industry Safety and Health Standard Part 86. “Electric Power Generation, Transmission, and Distribution,” R 408.18601 to R 408.18610.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHILDREN'S SERVICES AGENCY

DIVISION OF CHILD WELFARE LICENSING

CHILD PLACING AGENCIES

These rules become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the Department of Health and Human Services by sections 2, 5, 10, and 14 of 1973 PA 116, and Reorganization Nos. ~~1996-1, 1996-2, 2003-1, 2004-4, and Executive Order 2015-004~~; MCL 722.112, 722.115, 722.120, and 722.124, and Executive Reorganization Order No. 2015-1, MCL 400.227.330.3101, 333.5111, 445.2001, 445.2011, and 400.226)

R 400.12707 of the Michigan Administrative Code is rescinded, and R 400.12101, R 400.12102, R 400.12103, R 400.12104, R 400.12202, R 400.12203, R 400.12204, R 400.12205, R 400.12206, R 400.12207, R 400.12208, R 400.12209, R 400.12210, R 400.12211, R 400.12212, R 400.12213, R 400.12214, R 400.12301, R 400.12302, R 400.12303, R 400.12304, R 400.12305, R 400.12306, R 400.12307, R 400.12308, R 400.12309, R 400.12310, R 400.12311, R 400.12312, R 400.12313, R 400.12314, R 400.12315, R 400.12316, R 400.12317, R 400.12318, R 400.12319, R 400.12320, R 400.12321, R 400.12322, R 400.12323, R 400.12324, R 400.12325, R 400.12326, R 400.12327, R 400.12328, R 400.12401, R 400.12402, R 400.12403, R 400.12404, R 400.12405, R 400.12409, R 400.12411, R 400.12413, R 400.12415, R 400.12417, R 400.12418, R 400.12419, R 400.12420, R 400.12421, R 400.12422, R 400.12501, R 400.12502, R 400.12503, R 400.12504, R 400.12505, R 400.12506, R 400.12507, R 400.12509, R 400.12510, R 400.12511, R 400.12601, R 400.12602, R 400.12603, R 400.12604, R 400.12605, R 400.12606, R 400.12607, R 400.12608, R 400.12701, R 400.12702, R 400.12703, R 400.12704, R 400.12705, R 400.12706, R 400.12708, R 400.12709, R 400.12710, R 400.12711, R 400.12712, R 400.12713, R 400.12801, R 400.12802, R 400.12803, R 400.12804, R 400.12805, R 400.12806, R 400.12807, and R 400.12808 are amended, as follows:

PART 1. GENERAL PROVISIONS

R 400.12101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Act" means 1973 PA 116, MCL 722.111 to 722.128, and known as the child care organizations licensing act.

(b) "Agency" means a child-placing agency as defined in section 1 of the act, **MCL 722.111.**

(c) "Case record" means the individual file, including electronic records, kept by an agency concerning a child who has been placed by the agency.

(ed) "Chief administrator" means the person designated by the licensee as having the day-to-day responsibility for the overall administration of a child placing agency and for assuring the care, safety, and protection of children and families served.

(~~de~~) “Concurrent planning” means simultaneously planning for reunification and alternative permanence.

(~~e~~) “Contribution” means the payment of money or donation of goods or services.

(**f**) “Contractor” means a person contracted to perform services or to provide supplies to a child placing agency.

(~~fg~~) “Corporal punishment” means hitting, paddling, shaking, slapping, spanking, or any other use of physical force as a means of behavior management. ~~except as provided in R 400.12313(4).~~

(~~gh~~) “Department” means the Michigan department of health and human services.

(~~hi~~) “Deemed status” means a status conferred on an organization based on a professional standard’s review by a national accrediting organization that recognizes that the organization’s programs meet certain effectiveness criteria.

(~~ij~~) “Emergency placement” means a placement that is made in response to a sudden unexpected occurrence that demands immediate action.

(**k**) “Foster care” means a child's placement outside the child's parental home by and under the supervision of a child placing agency, the court, or the department. Foster care does not include the delegation of a parent's or guardian's powers regarding care, custody, or property of a child or ward under a properly executed power of attorney under the safe families for children act, 2018 PA 434, MCL 722.1551 to 722.1567.

(~~jl~~) “Foster child” means a person who meets all of the following criteria:

~~—(i) Resides in an out-of-home placement based on a court order or who has been reunified with a parent or guardian but continues under the wardship and supervision of the court or is temporarily placed by a parent or guardian for a limited time in a foster home as defined by section 1 of 1973 PA 116, MCL 722.111 or has been released by a parent to the department or a child placing agency under section 22 of 1939 PA 288, MCL 710.22~~

~~—(ii) Is placed with or committed to the department for care and supervision by a court order under section 2 of 1939 PA 288, MCL 712A.2.~~

~~—(iii) Is less than 18 years of age or is 18 years of age or older and was in foster care before turning 18 year of age and agrees to remain in care following termination of court jurisdiction.~~

(**i**) Resides in an out-of-home placement based on a court order or is temporarily placed by a parent or guardian for a limited time in a foster home as defined by the act or has been released by a parent to the department or a child placing agency pursuant to section 22 of chapter X of the probate code of 1939, 1939 PA 288, MCL 710.22.

(**ii**) Is either of the following:

(**A**) Placed with or committed to the department for care and supervision by a court order under section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(**B**) Is 18 years of age or older, was in foster care prior to turning 18, and agrees to remain in care following termination of court jurisdiction.

(~~k~~) “Foster home” means foster family home or foster family group home, as defined in section 1 of 1973 PA 116, MCL 722.111.

(**m**) “Foster parent” means the person or persons, including tribal members, to whom a foster home license is issued.

(**n**) “Gender” or “gender identity” means a person’s internal identification or self-image as a man, boy, woman, girl, or another gender identity.

(**o**) “Gender expression” means how a person publicly expresses or presents their gender, which may include behavior and outward appearance such as dress, hair, make-up, body language, and voice. Components of gender expression may or may not align with gender identity.

~~(lp)~~ “Human behavioral science” means a degree from an accredited college or university in any of the following:

- ~~–(i) Social work.~~
- ~~–(ii) Psychology.~~
- ~~–(iii) Counseling and guidance.~~
- ~~–(iv) Child development.~~
- ~~–(v) Criminal justice.~~
- ~~–(vi) Family and child ecology.~~
- ~~–(vii) Sociology.~~
- ~~–(viii) Family community services.~~
- ~~–(ix) Family studies.~~
- ~~–(x) Family Live education.~~

~~–(xi) Human services.~~ means a course of study producing a degree from an accredited college or university that is approved by the department for the specific positions when required by the act and these rules.

~~(mq)~~ “Independent living” means the placement, by an agency, of a youth who is not less than 16 years ~~old of age~~ in his or her own unlicensed residence, the residence of an adult who does not have supervisory responsibility for the youth, or in a residence under the control of the agency. The authorized agency or governmental unit retains supervisory responsibility for the youth.

~~(nr)~~ “Infant” means a child between birth and ~~12 months of age~~ the date of the child’s first birthday.

~~(os)~~ “Licensing authority” means the administrative unit of the department responsible for making licensing and approval recommendations for a child placing agency.

~~(q)~~ “Member of the household” means any person, other than a foster child, who resides in a foster or adoptive home on an ongoing or recurring basis.

~~(rt)~~ “Parent” means a legal parent and includes a custodial parent, noncustodial parent, or adoptive parent.

~~(su)~~ “Placement” means moving a child to an out-of-home living arrangement for purposes of foster care, adoption, or independent living; or from out-of-home placement to another out-of-home placement.

~~(v)~~ “Sexual orientation” means a person's identity in relation to the gender or genders to which they are attracted.

~~(w)~~ “Social service aide” means an individual who is employed, contracted, or a volunteer who has specified case-support duties as defined by department or agency policy.

~~(tx)~~ “Social service supervisor” means a person who supervises a social service worker. A social service supervisor may also function as a social service worker in the temporary absence of the social service worker if the provisions of R 400.12205 are met.

~~(uy)~~ “Social service worker” means a person who performs social service functions prescribed by these rules.

~~(z)~~ “SOGIE” means an individual’s sexual orientation, gender, identity, and expression.

~~(vaa)~~ “Staff” means a person who is any of the following: an individual who is 18 years of age or older and who is employed by a child placing agency for compensation.

- ~~(i) Employed by an agency.~~
- ~~(ii) A volunteer for the agency.~~
- ~~(iii) Is under contract to the agency.~~

~~(w)~~ “Substantial noncompliance” means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.

~~–(x) “Substitute care provider” means a person who provides care and supervision in the absence of the foster parent for any length of time.~~

(y) **“Tribe”** means a federally recognized tribe.

~~(z) “Willful noncompliance” means that after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.~~

(cc) “Volunteer” means a person who is not an employee and does not receive compensation but donates his or her work and acts at the direction of and within the scope of duties determined by the child placing agency.

(2) A term defined in the act has the same meaning when used in these rules.

R 400.12102 Rule variance.

Rule 102. (1) Upon the written request of an applicant or agency, the department may grant a variance from an administrative rule if the alternative proposed ensures that the health, care, safety, protection, supervision, and needed services of children are maintained, **and that the alternative aligns with the intent of the administrative rule.**

~~(2) The decision of the department, including the conditions for which the variance is granted, shall be entered in the records of the department and a signed copy shall be sent to the applicant or agency. The variance may be time-limited or may remain in effect for as long as the agency continues to ensure that the health, care, safety, protection, supervision, and needed services to children are maintained.~~

(2) The decision, including the qualifications under which the variance is granted, shall be entered in the records of the department and a signed copy shall be sent to the applicant or agency. The variance may be time-limited or may remain in effect for as long as the agency continues to comply with the intent of the rule.

R 400.12103 Staff exception.

Rule 103. An agency who has a person in a position that is regulated by these rules and who was approved before the effective date of these rules ~~shall be~~ **is** considered qualified for the position.

R 400.12104 Deemed status.

Rule 104. (1) The department may accept, for the purpose of determining rule compliance, evidence that the child placing agency is accredited by the council on accreditation or other nationally recognized accrediting body whose standards closely match state licensing regulations.

(2) All of the following apply to deemed status:

(a) The organization may request deemed status when the accreditation site inspection is less than 12 months old.

(b) When deemed status is requested, an organization shall submit a copy of the most recent accreditation report to the department.

(c) An organization ~~shall be~~ **is** only eligible for deemed status if the license is on a regular status.

(3) The acceptance of accreditation in subrule (1) of this rule does not prohibit the department from conducting on-site inspections or investigations of any rule at intervals determined by the department.

PART 2. AGENCY SERVICES

R 400.12202 Policy and procedures.

Rule 202. An agency shall have and follow written policies and procedures **for all the areas of foster care services as provided in R 400.12203 to R 400.12214.**

- ~~(a) Financial stability.~~
- ~~(b) Facilities.~~
- ~~(c) Required staff.~~
- ~~(d) Staff qualifications.~~
- ~~(e) Staff responsibilities.~~
- ~~(f) Job descriptions.~~
- ~~(g) Orientation and training.~~
- ~~(h) Grievance handling.~~
- ~~(i) Privacy safeguards.~~
- ~~(j) Personnel records.~~
- ~~(k) Record Management.~~
- ~~(l) Compliance with 1975 PA 238, MCL 621.~~

R 400.12203 Financial stability.

Rule 203. (1) An agency shall ~~initially and annually develop and implement a plan of financing for~~ **demonstrate sufficient financing, on an ongoing basis, to ensure the operation of the agency in** is carrying out its programs and meeting the requirements for licensing. A plan of financing ~~shall~~ **must** include all ~~of the~~ following:

- (a) A listing of all income sources and the anticipated amount of income for the current fiscal year.
 - (b) An annual budget for the current fiscal year.
 - (c) A copy of the income and expenditures from the previous fiscal year.
 - (d) A copy of the nonprofit tax return from the previous fiscal year.
 - (e) An audit of all financial accounts conducted annually by an independent certified public accountant not administratively related to the agency. A copy of the audit shall be available to the department upon request.
- (2) Subdivisions (d) and (e) of subrule (1) do not apply to a governmentally operated agency.

R 400.12204 Facilities.

Rule 204. (1) An agency shall provide and maintain sufficient office space, equipment, and supplies to ensure the delivery of services.

(2) An agency shall have physical office space with a Michigan street address.

(3) An organization may maintain satellite offices when the following conditions are met:

- (a) The agency has notified the department in writing prior to opening the satellite office and has received approval to open the satellite office.
- ~~(b) The agency provides on-site supervision at the satellite office at least 2 days a week. There is a completed written plan to ensure appropriate supervision is provided on a regular basis.~~
- (c) The files are made available for review at the agency main location when requested by the department.

R 400.12205 Required staff.

Rule 205. (1) An agency shall employ or contract for all ~~of the~~ following staff positions:

- (a) Chief administrator.

- (b) Social service supervisor.
- (c) Social service worker.
- (2) An agency shall appoint a chief administrator who possesses at least 1 of the following:
 - (a) A master's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 2 years of experience in an agency or child caring institution, at least 1 of which is in a management capacity.
 - (b) A bachelor's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 4 years of post- bachelor's degree experience in an agency or child caring institution, at least 2 of which are in a management capacity.
- (3) An agency shall report any change of chief administrator by the next business day to the department.
- (4) An agency shall appoint a social service supervisor who possesses the qualifications in either of the following:
 - (a) A master's degree from an accredited college or university in a human behavioral science or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences and ~~±~~ **3** years of experience as a social service worker in an agency, or a child caring institution, or in an agency in a child welfare function.
 - (b) A bachelor's degree from an accredited college or university in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, and 4 years of experience as a social service worker, 2 years of which are in an agency or in a child caring institution, or in an agency in a child welfare function.
- (5) An agency shall appoint a social service worker who possesses at least a bachelor's degree from an accredited college or university with a major in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences.
- (6) A person who is employed by the agency or who has a contract with the agency and who fulfills more than 1 function specified by subrule (1) of this rule ~~shall~~ **must** meet the requirements for each position.
- (7) If a social service worker also has social service supervisor responsibilities, as permitted under subrule (6) of this rule, then the worker ~~shall~~ **may** not supervise his or her own tasks as a social service worker.
- (8) An agency shall employ or contract for a sufficient number of competent staff to carry out the provisions covered by these rules. The workload for each staff member ~~shall~~ **may** not be more than any of the following:
 - (a) Five social service workers per supervisor.
 - (b) Fifteen children assigned to a social services worker for purposes of providing direct services in foster care, independent living, adoption, or post adoption services or a combination thereof.
 - (c) Thirty certified or enrolled foster homes per **licensing** ~~social service~~ worker.

R 400.12206 Staff qualifications; volunteer, contractors on central registry.

Rule 206. (1) An agency shall require a staff member who has ongoing contact with children or parents to be a person who has the ability, experience, education, and training to perform the duties assigned.

(2) A staff member must be of responsible character and suitable and able to meet the needs of children and families served by the agency.

(23) An agency's policy on staff qualifications ~~shall~~ **must** state all of the following:

(a) A person who has unsupervised contact with children may not have been convicted of either of the following:

(i) Child abuse or neglect.

(ii) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.

(b) A person who is listed on the central registry as a perpetrator of child abuse or child neglect ~~shall not have unsupervised contact with children~~ **is ineligible for employment if the responsibilities of the position includes unsupervised contact with children.**

(4) A volunteer or contractor who is listed on the central registry as a perpetrator of child abuse or child neglect may not have unsupervised contact with children.

R 400.12207 Staff responsibilities.

Rule 207. (1) An agency shall designate ~~that~~ the chief administrator ~~is~~ **as** responsible for the day-to-day operation of the agency and for ensuring compliance with the applicable provisions of these rules.

(2) An agency chief administrator ~~shall be~~ **is** administratively responsible for all ~~of~~ the following functions:

(a) The licensee or chief administrator ~~shall have~~ **has** the administrative capability to operate a child placing agency and provide the level of care and program stipulated in the application.

(b) A chief administrator must demonstrate the administrative capability to oversee the on-site, day-to-day operation of the institution and for ensuring compliance with these rules.

~~(bc)~~ Not less than once annually, conduct a written assessment and verify the agency's compliance with the applicable provisions of these rules.

~~(ed)~~ Assess all disrupted and unplanned removals of children from foster homes, independent living, and adoptive homes to identify systemic trends and patterns of those disrupted and unplanned removals.

~~(de)~~ Within 6 months, develop and implement a written plan to correct noncompliance identified in subdivision (c) of this subrule and address causes of disrupted and unplanned removals identified in subdivision (d) of this subrule.

~~(ef)~~ Provide space ~~for staff and children~~ **to individuals** served to be interviewed privately by police, regulatory staff, **children's protective services**, or other entities investigating activities of the agency related to safety of children and compliance with statute and promulgated rules.

(3) An agency shall require that social service workers be directly responsible for all ~~of~~ the following activities:

(a) Placing and supervising children in out-of-home care. Social service workers shall work directly with the children, their families, and other relevant individuals and be primarily responsible for the development, implementation, and review of service plans for the children and their families.

(b) Facilitating services and parenting time for children for purposes of reunification.

~~(bc)~~ Assessing and certifying private family homes for licensure and supervising the homes.

~~(ed)~~ Conducting evaluations of private family homes for purposes of adoption.

~~(de)~~ **Supervising and** ~~Assessing of~~ children for adoptive placement.

(4) An agency shall require social service aides to be directly responsible to a social service worker or social service supervisor. A social service aide may provide clearly defined support functions, but ~~shall~~ **may** not have responsibility for any of the following:

(a) Case planning.

(b) Selecting placements.

(c) Foster home certification.

(d) **Conducting foster care and licensing case contacts for purposes of foster care or adoption case planning, or licensing certification contacts.** ~~Making visits required under R 400.12419, R 400.12505, R 400.12711 or R 400.12806~~

(e) Conducting adoptive family evaluations.

R 400.12208 Job descriptions.

Rule 208. (1) An agency shall have a current written job description for each staff and position.

(2) Each job description ~~shall~~ **must** contain all of the following information:

(a) Prescribed duties and functions.

(b) Specific education, knowledge, experience, and skills necessary to provide services to children and families served by the agency.

(c) Lines of authority.

(3) An agency shall give copies of job descriptions to staff at the time of employment in a specified position and when the job description is revised.

(4) Practice ~~shall~~ **must** conform to the job description.

R 400.12209 Orientation and training.

Rule 209. (1) An agency shall ensure and document ~~that~~ **all the following**:

(a) **That** each social service worker and each social service supervisor receives not less than 16 hours of orientation after initial appointment and before assumption of assigned duties.

~~(2) An agency shall ensure and document:~~

~~(2b)~~ That each social service worker and each social service supervisor receives not less than 15 hours of training relating to his or her current position within the first year of being assigned to the position.

~~(3c) An agency shall will ensure and document T~~ that each social service worker and each social service supervisor receives not less than 15 hours of planned training relating to his or her current position annually after the time periods specified in subrules (1) ~~and (2)~~ of this rule.

~~(42)~~ The orientation and training specified in subrules (1) ~~and (2)~~ of this rule for each social service worker ~~shall~~ **must** include all of the following topics:

(a) Characteristics and needs of children and families served by the agency, **including trauma-informed parenting, human trafficking, systemic racism, and SOGIE training.**

(b) Requirements of applicable statutes relating to the services the agency provides that are subject to these rules.

(c) Agency expectations for the social service worker to facilitate and supervise the care of children and to work with families that are served by the agency.

(d) Agency expectations for the social service worker's role and responsibility with foster parents and other persons who provide care or services to children and families served by the agency.

(e) Agency expectations for developing, maintaining, and reviewing initial and updated service plans for children and families served by the agency.

R 400.12210 Grievance handling.

Rule 210. ~~(4)~~ An agency shall have a written grievance handling procedure **as mandated by section 8a of the foster care and adoption services act, 1994 PA 203, MCL 722.958a, and known as the "foster parent's bill of rights law."**

~~(2) The procedure shall provide for all of the following:~~

- ~~–(a) Safeguard the legal rights of children, their families, foster families, releasing parents, and adoptive families served.~~
- ~~–(b) Address matters that relate to compliance with the act, rules promulgated under the act, and the agency's written policies and procedures regarding services covered by these rules.~~
- ~~–(c) Delineate the method of initiating the procedure.~~
- ~~–(d) Specify time frames for decisions.~~
- ~~–(3) An agency shall provide a grievant with a written copy of the grievance resolution.~~

R 400.12211 Privacy safeguard.

Rule 211. (1) An agency shall safeguard the privacy of a child and his or her family.

(2) An agency shall not use a child's identity for publicity purposes **unless consent is provided by the appropriate legal parent, the department, or the court.** ~~a positive value accrues to the child.~~

~~(3) An agency shall obtain the written consent of a parent or legal guardian before using a child, a picture of a child, or a child's name in any form of agency publicity.~~ **Video cameras in a bedroom of any foster child over the age of 2 is strictly prohibited.**

R 400.12212 Personnel records.

Rule 212. (1) An agency shall maintain a personnel record for each staff member.

(2) The personnel record ~~shall~~ **must** contain all of the following information before employment may occur:

- (a) Name.
- (b) Verification of education.
- (c) Work history.
- (d) Three references obtained from persons who are unrelated to the staff person.
- (e) A record of any convictions other than minor traffic violations from either of the following:
 - (i) The Michigan state police, **tribal police**, or the equivalent state or Canadian provincial law enforcement agency where the person usually resides.
 - (ii) An entity accessing either Michigan state police records or equivalent state or Canadian provincial law enforcement agency where the person usually resides.
- (f) If the employee has criminal convictions, the chief administrator or his or her designee shall complete a written evaluation of the convictions that addresses the nature of the conviction, the length of time since the conviction, and the relationship of the conviction to regulated activity.
- (g) A written statement from the employee regarding any convictions.
- (h) Documentation from the department that the person has not been named in a central registry case as the perpetrator of child abuse or neglect in Michigan or in any state where the person lived in the 5 years preceding hire.

(3) The personnel record ~~shall~~ **must** contain both of the following:

- (a) A written evaluation of a staff member's performance within a probationary period or not later than 6 months after the staff member assumes his or her current responsibilities. After the initial evaluation, a written evaluation ~~shall~~ **must** be conducted ~~each year~~ **every 12 months**.
 - (b) A copy of the job description for the staff member's current position.
- (4) An agency shall maintain an orientation and training record for staff members.

R 400.12213 Record Management.

Rule 213. An agency shall do all of the following with respect to maintenance of required records:

- (a) Protect each record against destruction and damage.
- (b) Keep each record in a uniform fashion.
- (c) Store and maintain each record in a manner to ensure confidentiality and to prevent unauthorized access.

R 400.12214 Compliance with ~~1975 PA 238~~ **the child protection law**.

Rule 214. An agency shall ~~develop a written plan and implement the plan to assure compliance~~ **comply with the child protection law, with 1975 PA 238, MCL 722.621 to 722.638, and known as the child protection law.**

PART 3. FOSTER HOME CERTIFICATION

R 400.12301 Department authorization.

Rule 301. (1) ~~An agency shall be authorized by~~ The department **shall authorize an agency** to certify foster homes for licensure.

(2) An approved governmental unit ~~shall~~ **must** comply with the provisions of this part to be authorized to certify foster homes for licensure.

R 400.12302 Program statement.

Rule 302. An agency shall have and follow a current written program statement that includes all of the following information:

- (a) Types of foster care provided.
- (b) Age, ~~race, ethnic background,~~ and specific characteristics of children served.
- (c) Types and numbers of foster homes needed.
- (d) Types of services provided to **children, parents, relatives, and** foster families.
- (e) Geographical area covered.

R 400.12303 Policy and procedures.

Rule 303. (1) An agency shall have and follow written policies and procedures for assessing and certifying foster homes for licensure. An agency may not have a policy related to certifying homes that violates section 102 of the Elliott-Larsen ~~Civil Rights Act~~ **civil rights act**, 1976 PA 453, MCL 37.2102.

(2) Policies and procedures ~~shall must cover~~ **address** all of the following **R 400.12304 to R 400.12328** and be on forms provided, and in a manner prescribed, by the department.

- ~~(a) Recruitment and retention.~~
- ~~(b) Certification training.~~
- ~~(c) Application request.~~
- ~~(d) Orientation.~~
- ~~(e) Application submission.~~
- ~~(f) Records check.~~
- ~~(g) Initial evaluation.~~
- ~~(h) Foster parent/agency agreement.~~
- ~~(i) Foster parent training.~~
- ~~(j) Behavior management.~~
- ~~(k) Religion.~~

- ~~(l) Communication.~~
- ~~(m) Personal possessions.~~
- ~~(n) Allowance and money.~~
- ~~(o) Clothing.~~
- ~~(p) Substitute care.~~
- ~~(q) Supervision.~~
- ~~(r) Hazardous materials.~~
- ~~(s) Unusual incidents.~~
- ~~(t) Emergency policy.~~
- ~~(u) Reevaluation.~~
- ~~(v) License recommendation.~~
- ~~(w) Borrowed home.~~
- ~~(x) Special evaluation.~~
- ~~(y) Foster home record.~~

R 400.12304 Recruitment and retention.

Rule 304. (1) An agency shall have an ongoing foster home recruitment program to ensure an adequate number of suitable and qualified homes based on ~~children identified in the program statement to meet~~ the needs of children ~~served by~~ **referred to** the agency.

(2) An agency shall develop, implement, and maintain a program of foster home retention ~~and agency culture~~ that includes foster parent involvement.

R 400.12305. Certification training.

Rule 305. (1) ~~An agency shall ensure that A~~ **all social service workers** ~~supervisors of social service workers who perform foster home certification functions~~ **must receive complete** certification training and special evaluation trainings provided by the department **within 6 months of assignment to the certification function. Workers must pass the written exam.**

(2) ~~An agency shall ensure that all social service workers who perform foster home certification functions receive certification training and special evaluation training provided by the department.~~ **Supervisors of social service workers who perform foster home certification functions must complete certification and special evaluation training prior to supervising the certification of foster homes and must pass the written exam.**

R 400.12306 Application request.

Rule 306. (1) An agency shall provide an orientation for prospective applicants for a foster home license before a foster home application is provided.

~~(2) An agency shall document that the applicant has expressed a willingness to care for the types of children served by the agency before providing a foster home application.~~

~~(32)~~ An agency shall document that a person who has met the requirements of subrule (1) of this rule has received an application and information regarding all ~~of~~ the following:

- (a) A copy of the act.
- (b) Administrative rules for foster homes.
- (c) Administrative rules for child placing agencies.
- (d) Good moral character rules.
- (e) The child protection law.

- (f) The children's ombudsman act.
- (g) The agency's program statement.
- (h) The agency's foster care services policies.
- (i) The agency's foster parent training requirements.
- (43) An agency shall provide the document that the licensee has been given an application for renewal of the license **and document the action** not less than 60 calendar days before the expiration date of the license. **A renewal application must be provided to a licensee, regardless of any pending recommendation for disciplinary action of the license.**

R 400.12307 Orientation.

Rule 307. An agency foster parent orientation ~~shall~~ **must** consist of **an overview of** all of the following areas:

- (a) Purposes of foster care.
- (b) Characteristics and needs of the children and families served by the agency.
- (c) **Child A**attachment and separation issues.
- (d) Impact of fostering on the foster family.
- (e) Role of the foster family.
- (f) Licensing process.
- (g) Grievance procedure.
- (h) Importance of a child's parents and relatives
- (i) Parenting time and sibling visits.
- (j) Agency foster care policies and procedures.
- (k) Agency foster parent training requirements.
- (l) Supportive services and resources.
- (m) **Trauma responsive care.**
- (n) **Collaboration in transportation planning.**
- (~~m~~o) Provisions of the children's ombudsman act.
- (~~n~~p) Provisions of the child protection ~~act~~ law.
- (~~o~~q) Foster care review board appeal procedures.
- (r) **Foster parent bill of rights law.**

R 400.12308 Application submission.

Rule 308. (1) An agency shall act on a completed and signed application.

(2) An agency shall require ~~both~~ **all** caregivers in a ~~2~~ **multiple**-caregiver household to sign the application.

(3) An agency may consider an application withdrawn after 60 days if the applicant fails to cooperate, **after attempts to actively engage the family**, with the completion of the licensing process, **provided there are no known non-compliances that would result in disciplinary action.**

R 400.12309 ~~Records check.~~ **Criminal history; central registry Records check; "good moral character"; convictions.**

Rule 309. (~~1~~) An agency shall, upon receipt of an application, request the department of state police to conduct ~~both a criminal history check and a criminal records check through the federal bureau of investigation for applicants.~~ The agency shall also request the department to conduct a criminal history check on all persons residing in the home over 18 years of age. Additional checks shall pertain to

~~previous licenses, and substantiated child abuse and neglect records for all applicants and persons residing in the home 18 years of age or over in Michigan and in all states where the applicant has resided in the 5 years preceding the application.~~

~~–(2) An agency shall initiate a new records check if it receives information indicating a lack of good character or suitability of any person residing in the home who is 18 years of age or over who is not a licensee.~~

~~–(3) An agency shall initiate a criminal history check of a resident minor within 30 days after turning 18 years of age.~~

(1) **The agency shall obtain from Aa foster home applicant or licensee shall provide the agency with the name of, and a signed release for, a criminal history and child protective services check** to obtain any of the following information ~~about~~, **from** each adult member of the household, including children who turn 18 years of age while living in the home:

- (a) Conviction of a crime other than a minor traffic violation.
- (b) Involvement in ~~substantiated~~ **a confirmed** abuse or neglect of a child or adult.
- (c) Placement on court-supervised parole or probation.

(2) **If an applicant, licensee, or adult member of the household is a member of a federally recognized Indian tribe or identifies that they have lived on a reservation, the certifying child placing agency must contact the specific tribal jurisdiction, including tribal social services or the tribal court, to determine whether that jurisdiction has relevant background information to provide to the certifying child placing agency regarding the licensing assessment. In the event the tribe does not respond to the inquiry, the department may proceed with the licensing assessment.**

(3) **The agency shall require a foster home applicant or licensee to undergo a fingerprint-based, criminal history check.**

(4) **The agency shall require any adult member of the household to undergo a state-based, criminal history background check and, if applicable, contact with the appropriate tribal jurisdiction as referenced in subrule (2) of this rule. Upon the agency receiving information that an additional adult is residing in the home, the agency shall immediately obtain a release from the additional adult for the information required in subrule (1) of the rule.**

(5) **A license will not be issued or maintained by an applicant or licensee unless the department has made a determination under section 2 of 1974 PA 381, MCL 338.42, regarding the applicant or licensee’s “good moral character” and convictions.**

R 400.12310 Initial evaluation.

Rule 310. (1) An agency social service worker shall complete a written initial foster home evaluation, **on a form provided by the department**, before certifying the home for licensure.

(2) The report ~~shall~~ **must** include the dates and places of contacts and persons interviewed or observed.

(3) The agency shall assess ~~report shall be an assessment of all of the following:~~

~~–(a) Visits at the residence of the foster home applicants for observations of, and interviews with, each member of the household to determine all of the following:~~

~~–(i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.~~

~~–(ii) Educational history and any special skills and interests.~~

~~–(iii) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.~~

~~–(iv) Physical, mental, and emotional health of each member of the household.~~

~~–(v) Any history of substance abuse, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment received.~~

- ~~–(vi) Current substance use, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment currently being received.~~
- ~~–(vii) Parenting skills and attitudes toward children.~~
- ~~–(viii) Methods of discipline of children.~~
- ~~–(ix) Adjustment and special needs of the applicant’s own children including children not living in the home.~~
- ~~–(x) Strengths and weaknesses of each member of the household.~~
- ~~–(xi) Experiences with own parents and any history of out-of-home care.~~
- ~~–(xii) Reasons for applying to be a foster family.~~
- ~~–(xiii) Previous licenses or experience in providing child foster care, child day care, or adult foster care.~~
- ~~–(xiv) Willingness to accepting a foster child with the child’s individual characteristics, needs, and background.~~
- ~~–(xv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.~~
- ~~–(xvi) Willingness and ability to work with birth families and to understand the foster child’s attachment to the birth family.~~
- ~~–(xvii) An understanding of and willingness to participate in concurrent planning.~~
- ~~–(xviii) Willingness and ability to give a foster child guidance, love, and affection and accept the child as a member of the household.~~
- ~~–(xix) Existence of social support system and alternate care providers.~~
- ~~–(xx) Spirituality or religious beliefs.~~
- ~~–(b) Previous adoption evaluations or placements.~~
- ~~–(c) Previous criminal convictions, and substantiated child abuse or neglect for investigations or concerns brought to the agency’s or department’s attention for any member of the household.~~
- ~~–(d) Three current references from persons not related to the applicants. The agency shall evaluate any negative references.~~
- ~~–(e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement shall be signed by a physician, physician’s assistant or nurse practitioner within the 12-month period before the initial evaluation.~~
- ~~–(f) Safety and maintenance of the applicant’s house and property, including but not limited to: sufficient beds and sleeping space, pets, guns firearms and other weapons, and water hazards.~~
- ~~–(g) Assessment of the neighborhood, schools, and community and available resources.~~
- ~~–(h) The age, number, gender, race, ethnic background, and the special characteristics of children preferred by the applicants.~~
- ~~–(i) Training needs of the family.~~

(a) The applicant or licensee’s family and marital status and history, including current and past level of family functioning and relationships, and any incidents of domestic violence, elder abuse, or child abuse, as a perpetrator.

(b) The circumstances surrounding any criminal convictions or arrests for each member of the household, including minor children.

(c) Physical, mental, and emotional health of each member of the household, including any history of substance use disorder or treatment.

(d) Current mental health or substance use, or both.

(e) Parenting skills and strategies for building healthy relationships with children.

(f) Methods of discipline of children.

(g) Adjustment and special needs of the applicant’s own children, including children not living in the home.

(h) Previous licenses or experience in providing child foster care, child day care, or adult foster care.

(i) Existence of a social support system including alternate care providers.

(j) Willingness to accept a child's spirituality, or religious beliefs or practices, even if they differ from the foster parent.

(k) Willingness to accept and support a child's SOGIE.

(l) Safety and maintenance of the applicant's house and property, including but not limited to, the following:

(i) Sufficient beds and sleeping space.

(ii) Pets.

(iii) Weapons.

(iv) Fire or water hazards.

(m) The age, number, gender, race, ethnic background, and characteristics of children preferred by the applicants, including those characteristics that an applicant or licensee would not accept.

(4) The agency will collect all the following:

(a) Three current references, related or non-related, from the applicant or licensee.

(b) A medical statement that includes all treatments, prescriptions, and medications for each adult member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement must be signed by a physician, physician's assistant, or nurse practitioner within the 12-month period preceding the date of the initial evaluation. Any subsequent household member added to the household must provide the medical statement within 90 days.

(c) Information regarding any past or current, or both, mental health or substance use disorder treatment by any member of the household.

(d) The inspection results in compliance with R 400.9305.

(45) An agency shall document placement specifications consistent with the information contained in the evaluation. The placement specifications ~~shall~~ **must** include the following:

(a) The age, number, SOGIE, race, ethnic background, and characteristics of children preferred by the applicants.

~~(b) Gender~~

~~(c) Race~~

~~(d) Number of children preferred by the family.~~

~~(e)~~ Characteristics of children best served by the family,

~~(f)~~ Children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

~~(56)~~ An agency shall inform the applicant of the department's policies and procedures regarding concurrent planning.

~~(67)~~ An agency shall ~~inform~~ **provide** the applicant ~~that~~ **with** a copy of the ~~final~~ initial evaluation. ~~is available upon request.~~

R 400.12311 Foster parent/agency agreement.

Rule 311. (1) An agency shall have a written foster parent/agency agreement signed by the foster parent and the agency before initially certifying a foster home for licensure.

(2) The foster parent/agency agreement ~~shall~~ **must** contain all of the following provisions:

(a) The responsibilities of the agency.

(b) The services to be provided to foster children and the foster family.

- (c) The responsibilities of the foster family.
- (d) That the foster family has been informed of, and agrees to follow, agency policies and procedures.
- (e) **A description of the role and the expectation to cooperate with ~~The role of~~ the lawyer guardian ad litem and the state and tribal court, including the role of other appointed state and tribal attorneys.**
- (f) The agency schedule of foster care payments to foster parents.**
- (3) An agency shall document review of the foster parent/agency agreement with the foster family at least annually and, when needed, develop a new agreement.
- (4) An agency shall give a foster family a copy of the signed current foster parent/agency agreement.

R 400.12312 Foster parent training.

Rule 312. (1) An agency shall develop a foster parent training plan with the participation of foster parents.

(2) The foster parent training plan ~~shall~~ **must** provide for all of the following:

~~(a) The individual training needs of the foster parents.~~

~~(ba)~~ Not less than 12 hours of training to be completed by each person named on the license before a recommendation is made for licensure, **taking into account the individual training needs of the foster parents.** Not more than ~~6~~ **3** hours of orientation may be included as part of the initial 12 hours of training.

~~(eb)~~ Not less than 6 hours of training annually for each licensee after the time periods specified in subdivisions ~~(ba)~~ of this subrule.

(3) The training specified in subrule (2)(a), ~~and (b)~~, of this rule ~~shall~~ **must** address all of the following areas:

- (a) Characteristics and needs of children who may be placed into the home.
- (b) Safe sleep practices for infants.
- (c) Effective parenting.
- ~~(d) Behavior management, including de-escalation techniques.~~ **Calming and soothing supports for children, including sensory modulation and de-escalation techniques.**
- (e) Importance of the foster child's ~~family~~ **parents and relatives.**
- (f) Concurrent planning.
- (g) Role of the agency.
- (h) Emergency procedures, first aid, and fire safety.
- (i) Preparation of the foster child for permanence and independence.
- (j) The role of the court and lawyer guardian ad litem in permanency planning.
- (k) Reasonable and prudent parent standards.**
- (l) Firearm storage and safety.**
- (m) The unique needs of foster children based on individual identities related to culture, race and ethnicity, religion and spirituality, and SOGIE.**
- (n) Human trafficking.**
- (o) Trauma-informed parenting, including the effects of discipline in the household.**

(4) At least 1 adult member of the household ~~shall~~ **must** have training in and maintain a current certification in first aid **and cardiopulmonary resuscitation** from the American Heart Association or the American Red Cross, or other institution approved by the department.

(5) An agency shall document all training received by each foster parent.

R 400.12313 Behavior ~~management~~ **support** policy.

Rule 313. (1) An agency's behavior ~~management support~~ policy ~~shall~~ **must** identify appropriate and specific methods of behavior ~~management support~~ for foster children.

(2) An agency shall ensure that methods of behavior ~~management support~~ for a foster child are positive, ~~and~~ consistent, **and compassionate** based on each foster child's needs, stage of development, and behavior, and promote ~~self-control~~ **self-regulation**, self-esteem, and independence. ~~Problems of child training shall be handled with sympathy and understanding.~~

(3) All ~~of~~ the following are prohibited:

(a) Corporal punishment, ~~excessive~~ **any type of** restraint, **including physical, chemical, mechanical, or noxious substances**; or any kind of punishment inflicted on the body.

(b) Confinement **or seclusion** in an area such as a closet or ~~locked~~ a room.

(c) Withholding food, clothing, rest, toilet use, or entrance to the foster home.

(d) Mental or emotional cruelty.

(e) Verbal abuse, threats, ~~or derogatory remarks.~~ **including the use of derogatory or discriminatory language, negative references to the child's or the child's family SOGIE, yelling at youth, ridicule, or humiliation.**

(f) Prohibiting visits or communication with a foster child's family.

(g) Denial of necessary educational, medical, ~~counseling~~ **mental health**, or social work services.

~~(4) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or to prevent serious property damage.~~

R 400.12314 Religion ~~and, policy;~~ **spirituality policy.**

Rule 314. (1) An agency's religion policy ~~shall~~ **must**, ~~at a minimum,~~ ensure that the foster child ~~has the opportunity to receive religious instruction and~~ **may participate or choose not to participate in religious or spiritual instruction, engage or choose not to engage in religious or spiritual practices, or attend or choose not to attend religious or spiritual services.**

(2) A foster child ~~shall~~ **may** not be required to attend religious **or spiritual** services or follow specific religious **or spiritual** doctrine.

R 400.12315 Communication.

Rule 315. An agency's communication policy ~~shall~~ **must** ensure that a child is able to communicate with family and friends in a manner **consistent with the child's expressed wishes**, appropriate to the child's functioning, and ~~consistent in accordance~~ with the child's treatment plan.

R 400.12316 Personal possessions.

Rule 316. An agency's personal possessions policy ~~shall, at a minimum,~~ **must** address ~~both~~ **all** of the following:

(a) ~~Assuring~~ **Ensure** that a child has a right to have his or her personal possessions during placement with a foster family and when leaving the foster family.

(b) Safe storage of a child's personal possessions.

~~(c)~~ All gifts and clothing that are **given to or** purchased for the child during placement with the foster family ~~shall~~ remain the property of the foster child.

R 400.12317 Allowance and money policy.

Rule 317. (1) The agency's policy on allowance ~~shall, at a minimum,~~ **must** specify the following:

- (a) General guidelines that provide a monetary range based on a child's age.
- (b) Allowance for specific youth will be determined by the social services worker, **the child's parent**, and the foster parent based on the child's age and treatment needs.
- (c) How the agency monitors allowance.
- (2) Any money earned or received directly by the child remains the property of the child.

R 400.12318 Clothing policy.

Rule 318. The agency's clothing policy for foster parents ~~shall~~ **must** specify both of the following:

- (a) A foster parent ~~shall~~ **must** ensure that a foster child has the minimum required clothing specified by the agency's policy and leaves the foster home with not less than the minimum required clothing.
- (b) All clothing the child has when he or she arrives at the foster home and all clothing purchased for the child while in the foster home remains the property of the foster child, **unless returned to the child's parent or parents.**

R 400.12319 ~~Substitute care~~ **Transfer of enrollment or license.**

Rule 319. ~~An agency's substitute care policy shall, at a minimum, contain provisions for all of the following:~~

- ~~–(a) Qualifications for substitute caregivers, consistent with the requirements of 1973 PA 116 and child care licensing rules.~~
- ~~–(b) Conditions under which substitute care may be utilized.~~
- ~~–(c) Any planned substitute care shall be consistent with the child's treatment plan.~~
- ~~–(d) Notification of the agency, by the foster parent, before the beginning of any planned overnight substitute care.~~
- ~~–(e) Notification of the agency, by the foster parent, within 24 hours of any unplanned absence which requires substitute care for a period of 24 hours or more.~~
- ~~–(f) A foster parent must notify any substitute care provider of the agency's policies relating to care and supervision and the care provider must follow the policies.~~

(1) Prior to requesting the transfer of an enrollment or license, the receiving agency must provide the applicant/licensee with the following:

- (a) Orientation of the receiving agency.**
- (b) Application.**
- (2) The current certifying agency must provide the receiving agency with the following:**
 - (a) The most recent application for a license.**
 - (b) The initial evaluation and current reevaluation and any other relevant licensing home study reports.**
 - (c) The most recent copy of the licensing transaction record.**
 - (d) All completed special evaluation reports and any associated corrective action plans.**
 - (e) All record clearance documents for all members of the household, including any administrative review team assessments.**
 - (f) Other information that might assist the agency considering the transfer with making an informed decision.**
- (3) The agency considering the transfer must review all information in subrule (2) of this rule. Prior to acceptance of the transfer, the receiving agency must make at least 1 home visit.**
- (4) If the agency considering the transfer declines to accept a transfer of the license or enrollment, the agency must inform the applicant or licensee in writing and provide a copy to the certifying agency.**

(5) Written approval must come from the receiving agency's chief administrator or his or her designee prior to the transfer of the license during a special evaluation. When a license is transferred during a special evaluation, the receiving agency must complete the special evaluation.

(6) Written approval must come from the receiving agency's chief administrator or his or her designee prior to the transfer of the license during a provisional status.

(7) If there is an existing corrective action plan, the receiving agency is responsible for ensuring compliance.

(8) Transfer of a license during a pending disciplinary action must be approved by the department prior to the transfer.

(9) The receiving child placing agency must submit transfer documents to the department within 7 calendar days after the decision has been made to accept the transfer.

R 400.12320 Supervision.

Rule 320. ~~An agency's supervision policy shall, at a minimum, state that appropriate care and supervision for the foster child at all times consistent with a child's age, level of functioning, and treatment plan.~~

(21) An agency shall ensure an appropriate level of care and supervision for the foster child at all times consistent with a child's age, level of functioning, and treatment plan.

(2) A foster parent shall identify at least 1 adult who would care for the foster child for an extended overnight period. The identified adult must have both a central registry and a criminal history background check.

(3) A foster parent shall notify the agency of any extended, overnight period when the period will exceed 3 days.

(4) A foster parent shall notify any foster child's care provider of the agency's policies relating to care and supervision and the care provider must follow the policies.

R 400.12321 Hazardous materials policy.

Rule 321. (1) Federal standards for a foster family or group home include specific safety requirements for weapons, pools, hot tubs, and spas, as these pose a particular preventable danger to children.

(2) Dangerous equipment and objects, weapons, chemicals, medications, poisonous materials, cleaning supplies, and other hazardous materials that may present a risk to children placed in the foster home must be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.

(3) Unless carried in the **licensed home and on the licensed property** as permitted by law, firearms and ammunition must be stored as follows:

(a) Firearms must be all of the following:

(i) Locked in compliance with 1 of the following:

(A) By a cable-lock.

(B) By a trigger-lock.

(C) In a gun safe.

(D) A solid metal gun case.

(E) A solid wood gun case.

(ii) Unloaded.

(iii) Separate from ammunition; **however, as long as the firearm is stored in compliance with paragraph (i)(C) to (E) of this subdivision, the ammunition may be stored together with the firearm in the same locked safe or case.**

(iv) Inaccessible to children.

(b) Ammunition must be stored in a locked location and inaccessible to children.

(c) All applicable laws regarding the possession, use, transportation, and storage of firearms and ammunition, including for hunting, still apply.

(d) Licensees with a CPL may possess a firearm pursuant to the law in a vehicle on the licensed property, provided it is done so in a manner that prevents foster children from having access to it, such as being on the licensee's person or stored in a locked container.

(e) Licensees may engage in hunting, range shooting, and target practice with a foster child in accordance with the reasonable and prudent parent standard as defined in section 1 of chapter XIII of the probate code of 1939, 1939 PA 288, MCL 712A.1.

R 400.12322 Unusual incident policy.

Rule 322. (1) An agency's unusual incident policy ~~shall~~**must**, ~~at a minimum~~, include immediate notification to the agency by the foster parent of ~~either~~**any** of the following incidents:

(a) ~~When a foster child is missing from a foster home.~~ **The death of a foster child.**

(b) **The removal or** attempted removal ~~or removal~~ of a foster child from a foster home by any person not authorized by the agency.

(c) The foster child is missing.

(d) Any illness that results in treatment at a hospital emergency room or inpatient hospitalization of a foster child.

(2) An agency's unusual incident policy ~~shall~~, ~~at a minimum~~, **must** include notification to the agency by the foster parent of any of the following incidents within 24 hours of knowledge of the incident:

(a) A foster child's involvement with law enforcement authorities.

~~(b) Any illness or injury that requires hospitalization or emergency medical care of a foster child.~~

~~(eb)~~ **Pregnancy of a foster child.**

~~(dc)~~ **Incidences of child-on-child abuse.**

~~(ed)~~ **Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.**

R 400.12323 Emergency policy.

Rule 323. (1) An agency's emergency policy ~~shall~~, ~~at a minimum~~, ~~contain provisions for ensuring that foster parent has~~ **must include** agency-approved procedures for each of the following **situations:** ~~emergencies:~~

(a) Fire.

(b) Tornado.

(c) Serious accident or injury.

(d) Epidemic.

(2) An agency shall approve the written evacuation plan for a foster home that provides care for a person who requires assistance to evacuate the home.

R 400.12324 Reevaluation.

Rule 324. (1) An agency shall conduct an annual on-site visit and complete a written reevaluation of a foster home.

- (2) The annual reevaluation ~~shall~~ **must** include a determination and assessment of all of the following:
- (a) All changes to the factual information contained in the initial evaluation and subsequent renewal evaluations.
 - (b) Family functioning and interrelationships as determined by observation of, and interviews with, each member of the household and each social service worker who has had children placed in the home during the last licensing period.
 - (c) Training needs of the family.
 - (d) Compliance with the licensing rules for foster homes.
 - (e) Compliance with the agency's written policies and procedures.
- (3) An agency shall record the dates and places of contacts and persons interviewed or observed as part of a reevaluation.
- (4) An agency shall document placement specifications consistent with the information contained in the reevaluation. The placement specifications ~~shall~~ **must** include all of the following:
- (a) ~~Age.~~ **The age, number, SOGIE, race, ethnic background, and characteristics of children preferred by the applicants.**
 - ~~(b) Gender,~~
 - ~~(c) Race,~~
 - ~~(d) Number of children preferred by the family,~~
 - ~~(e) Characteristics of children best served by the home,~~
 - ~~(f) Children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.~~
- (5) An agency shall inform the foster parent of and discuss the agency's policy and procedures regarding concurrent planning.
- (6) An agency shall complete a licensing record clearance request form on each adult non-licensee member of the household, including foster youth who turn 18 years of age, prior to each renewal and ~~shall~~ assess the results of the record check.
- (7) An agency shall ~~notify~~ **provide** the foster parent ~~that~~ **with** a copy of the reevaluation ~~is available~~ upon request.
- (8) An agency shall complete a reevaluation and ~~shall~~ make a licensing recommendation to the department at least 15 calendar days before the expiration date of the foster home license.

R 400.12325 License recommendation.

Rule 325. (1) An agency shall recommend to the department the appropriate licensing action consistent with facts contained in the foster home evaluation and any special evaluations.

(2) An agency shall document foster home license changes in the foster home record and ~~shall~~ communicate the changes immediately to the department in the manner prescribed by the department.

(3) Except for an original license, an agency shall recommend to the department the issuance of a regular license or the continuation of an active license only when all rules are in compliance or both of the following conditions exist:

- (a) All non-compliances relating to the recommendation are correctable.
- (b) A written corrective action plan has been developed. The plan ~~shall~~ **must be in compliance-comply** with all of the following requirements:
 - (i) ~~Specify the methods, the persons responsible, the time frames for correction; methods for ensuring the safety of any children placed in the home; how continuing compliance will be maintained once compliance is achieved; consequences if the corrective action plan is not completed; and what documentation will be required to demonstrate compliance or completion.~~ **Upon determining a rule**

noncompliance that is correctable by the foster parent, the agency must develop a written corrective action plan with the foster parent on the form prescribed by the department.

(ii) ~~Require that the corrective action be~~ **Be** completed within ~~six (6)~~ **6** months of being signed.

(iii) Be signed and dated by the foster parent and the agency.

(4) Except for an original license, an agency shall recommend to the department the issuance of a provisional license only when ~~both~~ **all** of the following conditions exist:

(a) ~~The agency complies with subrule (3)(a) and (b) of this rule.~~ **The foster parent has signed an acceptable corrective action plan.**

(b) The foster parent has been informed, in writing, of the facts and the basis for the provisional license.

(c) **The foster parent has been notified of his or her right to appeal the provisional license.**

(5) An agency shall recommend to the department the denial of license issuance, the revocation of a license, or the refusal to renew a license ~~only~~ when ~~both~~ **all** of the following conditions exist:

(a) The applicant or the foster parent falsifies ~~information~~ **the application**, or; the applicant or the foster parent willfully and substantially violates the act, ~~or~~ **1** or more of the licensing rules for foster homes. ~~or the terms of the license,~~

(b) ~~The agency has provided the~~ **The applicant or the foster parent has been informed, in writing, of the facts and the basis for the recommended action. with all the following:**

(i) **A copy of the special evaluation report outlining the facts and the basis for the recommended action.**

(ii) **Written notice that the agency's recommendation for disciplinary action has been referred to the department for a final decision.**

(iii) **Written notice to the applicant or foster parent of their right to appeal the department's decision for licensing action.**

(6) An agency shall provide the department with all documentation that details the basis for the agency's recommendation or any requested documentation for a department licensing action.

(7) An agency shall participate in, and present facts at, a foster home licensing administrative hearing to support an agency recommendation or a department licensing action.

R 400.12326 Borrowed home.

Rule 326. (1) Before placing a child in a foster home certified by another agency ~~or tribe~~, the **borrowing** agency shall have a record containing all ~~of~~ the following ~~documents~~:

(a) ~~Prior~~ **A** approval from the certifying agency authorizing the placement of a child in the home.

(b) ~~Documentation~~ **Verification** that the foster parent is willing to accept the foster child.

(c) ~~A copy of T~~ the initial evaluation **and current reevaluation**. ~~with written endorsement by the borrowing agency that the evaluation is acceptable.~~

(d) ~~A copy of the current reevaluation with written endorsement by the borrowing agency that the evaluation is acceptable.~~ **A copy of all special evaluations completed during the last 2 years.**

(e) ~~A list~~ **Verification** of all children currently placed in the home.

(f) Documentation that the foster parent has received orientation to the policies of the borrowing agency.

(g) A copy of the foster parent /agency agreement signed by the foster parent and the borrowing agency.

(h) **The requirements in subdivisions (a) to (g) of this subrule do not apply to foster homes licensed by a tribe. A completed "Verification of Tribal Foster Home Safety Requirements" form is required when borrowing a foster home licensed by a tribe.**

(2) Only in an after-hours emergency placement will a verbal agreement be acceptable. During an after-hours emergency placement, the certifying agency must provide a verbal summary of the information in subrule (1)(a) to (h) of this rule to the borrowing agency. Written borrowed home protocol must be completed and documented within 3 calendar days of an after-hours emergency placement.

~~(h) A copy of the current children's foster home license application and children's foster home licensing transaction record documents from the certifying agency.~~

~~(i) A copy of all special evaluations completed during the last 2 years.~~

(23) The borrowing agency is responsible for securing requesting the items identified in subrule (1)(c), (d), and (e), ~~(g), (h), and (i)~~ of this rule annually for the duration of the child's placement. The certifying agency must provide the items in subrule (1)(c), (d), and (e) of this rule annually for the duration of the child's placement.

(34) The certifying agency is responsible for certification functions, including special evaluations, and shall must share all information regarding changes in the home with all agencies that have children in placement in the home.

R 400.12327 Special evaluation.

Rule 327. (1) ~~An agency shall do all of the following when anyone~~ **Upon receipt of any in the agency receives information that relates to possible noncompliance with any foster home rule, the agency must do all the following:**

(a) Submit a special investigation record to the department's licensing authority within 5 working days in the manner prescribed by the department.

(b) Initiate a special evaluation of the foster home as soon as is indicated, based on the information received, but not later than 7 calendar days after receipt of the information.

(c) Conduct ~~an thorough investigation~~ **evaluation, in cooperation with child protective services, when applicable**, including all necessary collateral contacts.

(d) Notify all social service workers who have children placed in the home that a special evaluation has been initiated.

(2) An agency shall inform foster parents of all ~~of~~ the following before they are questioned or interviewed regarding a special evaluation:

(a) That a special evaluation has been initiated.

(b) A clear description of the allegations.

(c) That the foster parents may involve a person of their choice in any interviews with them involving the special evaluation if the involvement does not impede the timely completion of the evaluation.

(3) An agency shall complete a special evaluation within 45 calendar days after receipt of the information. If additional time is required, then the agency shall inform the foster parent, in writing, of the basis for the extension and the expected length of the extension. The total time for the completion of the investigation ~~shall may~~ not exceed 90 calendar days without written approval from the chief administrator or his or her designee.

(4) Before completion of the written report required by subrule (6) of this rule, an agency shall provide the foster parent with a verbal summary of the preliminary findings at the conclusion of the evaluation.

(5) Within 15 days of the conclusion of the evaluation, an agency shall complete a written report that includes all ~~of~~ the following information:

(a) The date the information was received.

~~(b) Identification of the information source, unless anonymous or confidential, as specified in the child protection law, 1975 PA 238, MCL 722.621 to 722.638.~~

(eb) The allegations.

(~~dc~~) Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their last names ~~shall~~ **may** not be included in the report.

(~~ed~~) Findings of fact, based upon the evaluation.

(~~fe~~) Conclusions regarding licensing rules compliance or noncompliance based on the findings of fact.

(~~gf~~) Any change in the agency's decision regarding the number, ~~gender~~ **SOGIE**, age, race, **religion**, **spirituality**, ethnic background, and specific characteristics of children who may be placed that is based upon the documentation contained in the summary and conclusions of the report.

(~~hg~~) Recommendations regarding licensing action and any required corrective action.

(6) An agency shall do all ~~of~~ the following:

(a) Provide the foster parent with a copy of the report required by subrule (5) of this rule within 10 calendar days of its completion.

(b) Inform the foster parent, in writing, that ~~he or she~~ **the foster parent** has a right to have his or her written response included as an attachment to the report required by subrule (5) of this rule.

(c) Provide a copy of the report to any social services worker that has children placed in the home.

(7) If any violations are cited and there is a signed corrective action plan, all social service workers who have children placed in the home ~~shall~~ **must** be notified there is a corrective action plan and what is required of the foster parent in that plan.

R 400.12328 Foster home record.

Rule 328. (1) An agency shall maintain ~~a~~ **an electronic** foster home record **in the state's automated child welfare information system** for each foster **care** home.

(2) The record ~~shall~~ **must** contain all ~~of~~ the following information:

(a) All documents pertaining to certification of the home.

(b) Any special evaluation reports.

(c) Placement agreements between a foster parent and the agency.

(d) A placement list of all children placed in the foster home, including all ~~of~~ the following information about each child:

(i) Name, age, ~~gender~~ **sex**, and race of the child.

(ii) Date of placement.

(iii) Date of, and reasons for, a child's removal from the foster home.

(e) Any written response from a foster parent, as provided by R 400.12327(6)(b).

(3) An agency shall make copies of a record available to the applicant or licensee upon request, except for the following items:

(a) Pending evaluation reports and documents.

(b) Records of privileged communication.

(c) Criminal records, police reports, child protective services information, and social security numbers from any source.

(4) An agency shall maintain records for not less than 7 years after closure.

PART 4. FOSTER CARE SERVICES

R 400.12401 Department authorization.

Rule 401. ~~An agency shall be authorized by~~ **The department shall authorize an agency** to receive children for placement in licensed foster homes.

R 400.12402 Program statement.

Rule 402. An agency shall have and follow a current written program statement that includes all of the following information:

- (a) Types of foster care provided.
- (b) ~~Age, race, ethnic background, and specific characteristics of children served.~~ **The racial, ethnic, and cultural identity, heritage, spirituality, and background of the children served.**
- (c) Types of services provided to foster children and their families.
- (d) Geographical area covered.

R 400.12403. Policy and procedures.

Rule 403. (1) An agency shall have and follow written policies and procedures, ~~including consistent with all the following areas of foster care services provided in R 400.12404 to R 400.12422.~~ **including consistent with all the following areas of foster care services provided.**

(2) ~~The policies and procedures shall cover at least all of the following areas:~~

- ~~(a) Placement.~~
- ~~(b) Change of placement.~~
- ~~(c) Education.~~
- ~~(d) Clothing.~~
- ~~(e) Medical and dental care.~~
- ~~(f) Unusual incidents.~~
- ~~(g) Hazardous materials.~~
- ~~(h) Foster parent information.~~
- ~~(i) Service plans.~~
- ~~(j) Visitation.~~
- ~~(k) Foster care record.~~

(32) An agency shall provide a copy of the policies and procedures to the foster parents of a home where the agency places a child.

(3) An agency may not be more restrictive than the department policies or the administrative rules governing licensing and services.

R 400.12404. Placement.

Rule 404. (1) An agency shall only place a child with an adult who is ~~legally related to a relative of~~ the child, is a legal custodian, or in a licensed foster home, except as permitted in **R 400.12503(2)(b)** and R 400.12709.

(2) Initial consideration ~~shall~~ **must** be given to placement with a relative ~~and/or~~ placing siblings together, **or both.**

(3) An agency's placement of a child in a foster home ~~shall~~ **must** be consistent with the placement specifications for the home.

(4) An agency shall consider all of the following factors in selecting an appropriate placement for a child:

- (a) Proximity to the child's parents, family, or community.**
- ~~(a) The permanency goal for the child.~~
- (b) The physical, emotional, and educational needs of the child.
- (c) The permanency goal of the child.**
- ~~(ed)~~ **(e) Expressed preferences of the child, and the child's parent or parents.**
- ~~(de)~~ **(d) The child and child's family's religious or spiritual, or both, preference.**

- (f) **The foster parents' ability and willingness to accept and support the child's SOGIE.**
- (g) **The child's racial, ethnic, cultural identity, heritage, and spiritual background.**
- (eh) The continuity of relationships, including relationships with parents, siblings, relatives, foster parents, previous foster parents, and other persons significant to the child.
- (fi) The availability of placement resources for the purpose of making a timely placement.
- ~~(5) The child's racial, ethnic, and cultural identity, heritage, spiritual, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.~~
- (65) Before the placement of a child, the agency shall document preparation; **regardless of all relevant parties, including the child or infant, of the child's age, that explains which must include an explanation of all of the following to all relevant parties:**
 - (a) The circumstances necessitating placement.
 - (b) The child's individual needs.
 - (c) Any special challenges presented.
- ~~(76)~~ An agency **shall must** document, in the child's record, within 7 calendar days after placement, the information specified in R 400.12417(1) and all of the following information:
 - (a) All of the following child characteristics:
 - (i) Gender **identity**.
 - (ii) Race.
 - (iii) Height and weight.
 - (iv) Eye color and hair color.
 - (v) Identifying marks.
 - (vi) Religious **or spiritual** preference.
 - (vii) School status, including grade, last school attended, and educational program.
 - (b) Name, known addresses and marital status of the child's parents or legal guardian, if any.
 - (c) Names, ages, and known addresses of any siblings.
 - (d) Known names, addresses, and dates of any previous out-of-home placements.
 - (e) The date that the agency received the child for placement.
 - (f) The child's legal status and the agency's legal right to provide care.
 - (g) Documentation of the child's placement preparation.
 - (h) A photograph of the child at the time of placement.
 - (i) Documentation that ~~American-Indian~~ **tribal** ancestry was assessed.

R 400.12405 Change of placement.

- Rule 405. (1) An agency shall make every reasonable effort to maintain a stable placement for each child placed in foster care. The efforts ~~shall must~~ be documented in the child's record.
- (2) An agency shall ~~give first consideration to~~ **first consider** returning the child to a parent.
 - (3) The agency shall document all of the following in the child's record before a change of placement occurs:
 - (a) Reason for the change in placement.
 - (b) If the child is not returned to the parent, then the reason why return is not possible.
 - (c) If the child is not reunited with siblings or placed with a relative, then the reason why those placements are not possible.
 - (d) Consideration of the factors identified in R 400.12404(4).
 - (e) Replacement preparation **of all relevant parties, including the child or infant, regardless of the child's age, appropriate to the child's capacity to understand**, which includes an explanation ~~to all relevant parties~~ as to why the change is necessary.

(f) Notification to the parents, referral source, lawyer guardian ad litem, and courts when applicable, of the change in placement.

(g) Information about the child was shared with the new placement, consistent with the requirements of R 400.12417.

(h) The child's new location and address.

(i) That the current foster parent was notified in writing of the following information:

(i) Not less than 14 calendar days in advance, of the change, except when prior notification would jeopardize the child's care or safety. If prior notice is not provided, then the agency shall notify the foster parent, at the time of the change, why prior notice was not given.

(ii) Of the current foster parent's rights concerning the change in placement.

(j) Supervisory approval before the change.

(4) If an emergency change in placement is necessary, then all ~~of~~ the documentation required in subrules (2) and (3) of this rule ~~shall~~ **must** be in the child's record within 14 calendar days after the change in placement.

(5) If an agency is no longer providing services to the child in a foster home, then both ~~of~~ the following ~~shall~~ **must** be documented before a change in placement:

(a) A summary of the services provided during care up to the time of the change in placement and the needs that remain to be met.

(b) Provision for any continuing services.

R 400.12409 Education.

Rule 409. An agency's education policy ~~shall~~ **must** ensure that, within 5 school days of placement, an agency shall provide for the enrollment of each child of school age, as defined by state law, into a school program.

R 400.12411 Clothing policy.

Rule 411. An agency's clothing policy ~~shall~~ **must ensure that a foster child has the minimum required clothing specified by the department's policy and leaves the foster home with not less than the minimum required clothing.** ~~at a minimum, ensure that each foster child has a sufficient amount of clothing that is appropriate as to size and season and that is in good repair.~~

R 400.12413 Medical and dental care policy.

Rule 413. (1) An agency's medical and dental care policy ~~shall~~ **must**, ~~at a minimum,~~ include all of the following:

(a) The provision of routine medical care.

(b) The provision of emergency medical, surgical, and dental care.

(c) A physical examination for each child as follows, unless a greater frequency is medically indicated:

(i) ~~For a child under 2 years of age, a physical examination shall have been completed within 3 months before being placed in foster care or a new physical examination shall be completed within 30 calendar days after being placed in foster care.~~ **A comprehensive medical examination, including a behavioral/mental health and trauma screening, within 30 calendar days from the date the child entered into an out-of-home placement, regardless of the date of the last physical examination.**

(ii) ~~For a child 2 years of age or older, a physical examination shall have been completed within 12 months before placement or a new physical examination shall be completed within 30 calendar days after placement.~~

(iii) A physical examination every 14 months.

(d) Current immunizations for each child as required by section 5111 of **the public health code, 1978 PA 368, MCL 333.5111**. All of the following apply:

(i) A statement from a parent or licensed medical authority, which indicates that immunizations are current or contraindicated, is sufficient documentation of immunizations.

(ii) A copy of a waiver addressed to the department that is signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons is sufficient documentation of immunizations, **unless the child is a temporary court ward, a motion is heard, and order is entered by the circuit court for the child's case**. A waiver ~~shall~~ **must** be accompanied by a certification by the local health department that the parent or parents received education on the risks of not receiving the vaccines being waived and the benefits of vaccination to the individual and the community as required by **section 5111 of the public health code, 1978 PA 368, MCL 333.5111**, and ~~the provisions under R 325.176(12) of the communicable and related disease administrative rules~~.

(iii) If documentation of immunization or a copy of the waiver is unavailable, then immunizations ~~shall~~ **must** begin within 30 calendar days of placement.

(e) ~~The provision of any dental treatment necessary for a child who is less than 4 years of age.~~ **A dental examination must be completed within 3 months before entry into foster care or an initial dental examination must be completed not more than 90 calendar days after entry into a foster care out-of-home placement. A child entering foster care under 1 year of age must have an initial dental exam within 3 months of his or her first birthday.**

(f) ~~The provision of a dental examination and any treatment required for each child who is 4 years of age and older, including both of the following:~~

~~—(i) A dental examination within 12 months before placement or a new dental examination shall be completed not more than 90 calendar days after placement.~~

~~—(ii) A dental reexamination shall be obtained at least every 18 months, unless a greater frequency is indicated.~~ **A dental re-examination must be obtained at least every 6 months, unless a greater frequency is indicated.**

(2) An agency shall maintain a file documentation from the medical or dental provider of all medical and dental care received by a foster child.

R 400.12415 **Unusual incident reporting policy.**

Rule 415. ~~(1) An agency's incident reporting shall~~ **must adhere to the following incident reporting protocols: policy shall, at a minimum, include the following:**

(a) ~~Immediately notification~~ **notify to the child's parents; the department licensing authority; the lawyer guardian ad litem and court, as applicable; the department; and the foster child's parents, the responsible agency, and guardian ad litem as applicable, if either any** of the following occurs:

(i) The death of a foster child.

~~(iii) When a~~ **The foster child is missing from a foster home absent without legal permission.**

~~(iii)~~ **Attempted removal or removal of a** ~~the~~ foster child from the foster home by any person who is not authorized by the agency.

(iv) Any medical and mental illness or condition that results in treatment at a hospital emergency room or inpatient hospitalization of a foster child.

(b) Notification of the foster child's parents, the responsible agency, and guardian ad litem as applicable within 24 hours of knowledge of the following:

~~(i) Any illness or injury that requires hospitalization of emergency medical care of a foster child.~~ **Any injury of a foster child that requires medical treatment.**

(ii) A foster child's involvement with law enforcement authorities.

(iii) Pregnancy of a foster child.

(iv) Incidences of a foster child being abused, **including child-on-child abuse.**

~~(2) The policy shall require that the agency immediately notifies all of the following entities of the death of a foster child:~~

~~—(a) The child's parents.~~

~~—(b) The referring agency.~~

~~—(c) The department licensing authority.~~

~~—(d) The lawyer guardian ad litem and court, as applicable.~~

R 400.12417 Foster parent information.

Rule 417. (1) An agency shall provide a foster parent with all ~~of~~ the following information before the placement or replacement of a child:

(a) Child's name.

(b) Child's date of birth.

(c) Available known information about the child's health.

(d) Any known history of abuse or neglect of the child.

(e) All known emotional and psychological factors relating to the care of the child.

(f) All known behaviors of the child.

(g) Circumstances necessitating placement or replacement of the child.

(h) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, including information about siblings who do not reside in the foster home **as provided in federal law.**

(i) Name of assigned social service worker.

(j) Authorization to provide routine and emergency medical care.

(2) For an emergency placement, if any of the information specified in subrule (1)(a) to (h) of this rule is not available at the time of placement, then the agency shall provide information to the foster parent within 7 calendar days of the placement.

(3) After the child is placed, and on an ongoing basis, the agency shall notify the foster parent of any known information **regarding the child, or the child's siblings who do not reside in the foster home as provided in federal law, or both,** that will enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, ~~including information about siblings who do not reside in the foster home.~~

R 400.12418 Development of service plans.

Rule 418. (1) An agency shall develop service plans with the child, the child's parents or legal guardian, the referring agency, and other parties involved in providing needed services, or medical care, unless the agency documents why any of the entities have not been involved.

(2) An agency shall complete written service plans for each child and parent or parents, as follows:

(a) Within 30 calendar days from removal from the home.

(b) Within 120 calendar days after the initial removal and at least once every 90 calendar days thereafter.

(3) When case responsibility changes from 1 child placing agency to another child placing agency, a modified service plan must be completed within 30 calendar days of the change in agency responsibility if no other plan is done within 30 days. The plan ~~shall~~ **must** address why the agency responsibility changed and whether there are any modifications to existing service plans.

(4) An agency shall place service plans in the case record., ~~give a copy to and review the plans with foster parents. The agency shall inform the foster parent that the information in the plan and any other information about the child and the child's family is confidential.~~

(5) An agency shall involve **the child's parent or parents and** the foster parents in the development of service plans to enable the **parent or parents** and foster parents to understand the plan for the child and the **parents' and the** foster parent's role in assisting the agency in carrying out the plan. **An agency shall give a copy to and review the parent-agency treatment plan with the parent or parents and foster parents. The agency must inform the parent or parents and foster parent that the information in the parent-agency treatment plan and any other information about the child and the child's family is confidential.**

(6) Service plans ~~shall~~ **must** be signed by the social services worker and the social services supervisor.

R 400.12419 Initial service plans.

Rule 419. (1) The initial service plan, as required in R 400.12418(2)(a), ~~shall~~ **must** include all of the following information:

- (a) Dates, types, and places of agency contacts and persons contacted.
 - (b) Circumstances necessitating placement.
 - (c) Assessment of the placement selection criteria as required under R 400.12404(4).
 - (d) A social history pertinent to the circumstances necessitating placement that assesses the child and ~~all~~ persons in the child's family to determine the services best suited to meet the child's needs.
 - (e) A plan that has as its goal reunification of the child with his or her family or another goal of permanent placement. The plan shall include all of the following information:
 - (i) The permanency goal for the child.
 - (ii) The conditions necessary to achieve the permanency goal identified in paragraph (i) of this subdivision.
 - (iii) Action steps and time frames to achieve the necessary conditions identified in paragraph (ii) of this subdivision.
 - (iv) The persons responsible for implementing the action steps identified in paragraph (iii) of this subdivision.
 - (v) Projected length of placement in foster care.
 - (f) Specific goals, as appropriate, to meet the child's needs in the following areas:
 - (i) Education.
 - (ii) Health.
 - (iii) Vocational training.
 - (iv) Psychological, psychiatric, and mental health services.
 - (g) Plans for ~~visits~~ **contact** between the child, siblings, the child's family, and any other person.
 - (h) The child ~~behavior management~~ **support** plan to be used by the foster parent.
- (2) If parental rights have not been terminated, the service plan ~~shall~~ **must** include all of the following:
- (a) An assessment of the parents' needs as they relate to the care of the child.
 - (b) The parents' role while the child is in placement, including parenting time.
 - (c) The requirements to be met for the return of the child.
 - (d) The time frames for meeting the stated requirements.
 - (e) Documentation of how the parents were informed of their rights and responsibilities in the care of their child.

R 400.12420 Updated service plans.

Rule 420. An updated service plan, as required in R 400.12418(2)(b), ~~shall~~ **must** include all of the following information:

- (a) Dates, types, and places of agency contacts and persons contacted.
- (b) Confirmation that the child's current foster home continues to appropriately meet the placement needs of the child.
- (c) A summary of information pertinent to the updated services plan received since the last service plan from the child, the child's parents or legal guardian, foster parents, referring agency, and others, unless the agency documents why any of these entities cannot be involved.
- (d) Assessment of progress in achieving the permanency goal for the child.
- (e) A plan ~~which that~~ includes any changes made since the previous plan and ~~which that~~ has the content specified in R 400.12419.
- (f) Plans for visits between the child, siblings, the child's family, and any other person.
- (g) A child **behavior management support** plan ~~which that~~ includes any changes made since the previous plan and ~~which~~ is to be used by the foster parents.

R 400.12421 Visitation and ~~parenting~~ **family time; in person contact.**

Rule 421. (1) An agency shall ~~develop have a policy regarding visitation and parenting time that contains, at a minimum, all of the following:~~

- ~~(a) A~~ **a plan of visitation and family time** for each child in foster care consistent with the child's service plans, as required by R 400.12419 and R 400.12420 to ~~assure~~ **ensure** the safety and well-being of the child.
- ~~(b2)~~ An agency social service worker shall visit the foster child and the foster parent in the foster parent's home at least once every month.
- ~~(e3)~~ **An agency shall facilitate** ~~Provisions for visits~~ **in-person contact** between parents and children except where parental rights have been terminated or when there is a court determination that visits are detrimental to the child.
- ~~(d4)~~ **An agency shall facilitate** ~~Provisions for visits~~ **in-person contact** between siblings who are not placed together except when there is a court determination that ~~visits are~~ **contact is** detrimental to either child.

R 400.12422 Foster care **case** record.

Rule 422. (1) An agency shall maintain a **case** record for each child in its foster care program.

(2) An agency shall protect each record against destruction and damage and ~~shall~~ store and maintain each child's record in a manner to ~~assure~~ **ensure** confidentiality and to prevent unauthorized access.

(3) The record ~~shall~~ **must** contain all of the following information:

- (a) Initial service plan.
- (b) Any required updated service plans.
- (c) Medical, **mental health**, and dental records.
- (d) Placement documentation as required by R 400.12404.
- (e) Change of placement documentation as required by R 400.12405.
- (f) Plan of visitation and parenting time as required by R 400.12421.
- (g) A photograph taken at least annually.
- (4) An agency shall maintain the records **under the retention schedule** for not less than 7 years after the agency's termination of services to the child.
- (5) If an agency ceases operating as a child placing agency, the records ~~shall~~ **must** be returned to the child's referring agency.

PART 5. INDEPENDENT LIVING SERVICES

R 400.12501 Department authorization.

Rule 501. ~~An agency shall be authorized by~~ **The department shall authorize an agency** to supervise independent living placements.

R 400.12502 Program statement.

Rule 502. (1) An agency shall have and follow a current written program statement that includes all of the following information:

- (a) Types of living arrangements approved.
 - (b) Eligibility requirements for a youth, including age and level of physical, emotional, and intellectual functioning and youth not appropriate for the program.
 - (c) Services provided.
 - (d) Means of financial support for the youth.
 - (e) Supervision.
 - (f) Educational and vocational or work requirements.
 - (g) Medical, **mental health**, and dental care.
 - (h) Basis for termination.
- (2) An agency shall give a copy of the program statement to a youth before placement in independent living.

R 400.12503 Policy and procedures.

Rule 503. (1) An agency shall have and follow written policies and procedures for the independent living services provided.

- (2) The policies and procedures ~~shall~~ **must** cover at least all of the following areas:
- (a) Eligibility requirements for youth to participate in the program.
 - (b) Types of living arrangements provided or approved.
 - (c) ~~Contract~~ **Agreement** between youth and agency.
 - (d) Service plans.
 - (e) Supervision provided by the agency.
 - (f) Amount of financial support and how it is disbursed. **An agency may not withhold financial support intended for the youth while the youth is actively involved in the program.**
 - (g) Education, vocational training, ~~and~~ employment.
 - (h) Human trafficking awareness and prevention for youth.**
 - ~~(h)~~ **(i)** Medical, dental, and mental health care.
 - ~~(i)~~ **(j)** Independent living record.
 - ~~(j)~~ **(k)** Termination.
- (3) An agency shall provide a youth in independent living with a copy of the agency's policies and procedures required by this rule.

R 400.12504 Eligibility requirements.

Rule 504. (1) An agency shall document the rationale for selection of independent living as the most appropriate placement for the youth.

- (2) All of the following ~~shall~~ **must** be in the case record before a youth is placed in independent living:

- (a) How the youth meets the eligibility requirements for the specific program the youth is being placed into.
 - (b) The basis for concluding that a youth exhibits self-care potential.
 - (c) That the youth's social service worker has personally observed and determined that the living situation is safe, and that the youth has a bed and has access to cooking and bathing facilities.
 - (d) The availability of specific and relevant resources that provide for suitable social, physical, educational, vocational, and emotional needs of a youth.
 - (e) An evaluation of a youth's need for supervision and a plan for providing the level of supervision determined necessary.
 - (f) Proof that financial support to meet the youth's housing, clothing, food, and miscellaneous expenses is available.
- (3) An independent living home, staffed and operated by the child placing agency, must be clean, safe, and appropriate to the needs of the youth it serves.**

R 400.12505 Supervision.

Rule 505. (1) An agency shall provide supervision for a youth in independent living consistent with the youth's need for supervision, as required by R 400.12504(2)(e).

(2) An agency shall provide the following minimum supervision:

- (a) Face-to-face contact between the social service worker and the youth in independent living at least once each month at a youth's place of residence.
- (b) At monthly intervals, ensure that the youth is complying with the terms of the ~~contract~~ **agreement** required by R 400.12510, continues to reside in a safe and acceptable environment, and is managing expenditures.
- (c) Provide the youth with a telephone number to contact the agency on a 24-hour, 7-days-a-week basis.

R 400.12506 Education; vocational training; employment.

Rule 506. An agency shall ensure that **it works with** a youth **involved** in independent living **in the following areas as outlined in the youth's service plan:**

- (a) Employment.**
- (b) Job training.**
- (c) Education.**

~~is employed full-time, actively involved in job training or continuing education, or a combination of employment and education.~~

R 400.12507 Medical, dental, and mental health care.

Rule 507. (1) An agency shall ensure that a youth in independent living receives any needed medical, dental, and mental health care as required in R 400.12413. Medical, dental, and mental health care provided ~~shall~~ **must** be documented in the youth's record.

(2) For a youth who become 18 years of age while in the program or who enters independent living after the age of 18, the agency shall provide information on how to access needed medical, dental, and mental health services and ~~shall~~ actively, and on an ongoing basis, encourage participation in needed medical, dental, and mental health services.

R 400.12509 Independent living record.

Rule 509. (1) An agency shall maintain a case record for each youth placed in independent living.

(2) An agency shall protect each record against destruction and damage and ~~shall~~ store and maintain each child's record in a manner to ~~assure~~**ensure** confidentiality and to prevent unauthorized access.

(3) The case record ~~shall~~ **must** contain all ~~of~~ the following information and documentation, which ~~shall~~ **must** be recorded within 30 calendar days after placement in independent living and updated at least once every 90 calendar days:

- (a) All ~~of~~ the following personal information pertaining to the youth:
 - (i) Name.
 - (ii) Social security number.
 - (iii) Address and telephone number.
 - (iv) Date of birth.
 - (v) Gender.
 - (vi) Race.
 - (vii) Height.
 - (viii) Weight.
 - (ix) Hair color.
 - (x) Eye color.
 - (xi) Identifying marks.
 - (xii) A photograph updated on an annual basis.
 - (b) Documentation of the agency's legal right to place a youth.
 - (c) The names, addresses, dates of birth, and social security numbers of the youth's parents, if any.
 - (d) The names, dates of birth, and addresses of the youth's siblings, if applicable.
 - (e) The names and addresses of any offspring.
 - (f) The names and addresses of any other significant persons.
 - (g) Current documentation of financial support sufficient to meet the youth's housing, clothing, food, and miscellaneous expenses.
 - (h) The date, location, documented purpose, and a summary of the findings of each contact between the youth and the social service worker.
 - (i) Current adjustment.
 - (j) The youth's relationship with family members and agency efforts to resolve family conflicts.
 - (k) Medical and dental records.
 - (l) Birth certificate.
 - (m) Placement documentation as required by R 400.12404.
 - (n) Change of placement documentation as required by R 400.12405.
 - (o) Service plans as required in R 400.12419 and R 400.12420. If the youth has biological children, the service plan must address the living arrangement for the child or children, visitation/parenting time with the youth's biological children or a clear explanation why this is not possible or appropriate.
- (4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the youth.

R 400.12510 Independent living ~~contract~~ **agreement**.

Rule 510. (1) There ~~shall~~ **must** be a mutually ~~agreed upon~~ **contract agreement** between the youth and the agency specifying all ~~of~~ the following:

- (a) The responsibilities of the agency and the youth.
- (b) A plan for education or work.
- (c) An agreement for the youth to meet with the worker at least ~~one~~ **1** time per calendar month.

- (d) The location where the youth is living.
- (2) The agreement ~~shall~~ **must** be signed and dated by the youth and the social service worker. The ~~contract agreement shall~~ **must** be reviewed ~~and updated~~ **with the youth** at least once every 90 calendar days and a copy provided to the youth.

R 400.12511 Termination.

Rule 511. (1) When an agency terminates its independent living services for a youth, the agency shall document all the following information in the case record within 30 calendar days of termination of its services:

- (a) The reason for the termination.
- (b) The youth's new location.
- (c) A summary of the services provided during care and the needs that remain to be met.
- (d) Provision for any follow-up services.
- (2) An agency shall ensure and document that each youth who ends independent living is provided with all ~~of~~ the following:
 - (a) Basic information about health, housing, counseling/ **and** mental health services, and emergency resources.
 - (b) A birth certificate.
 - (c) A social security card.
 - (d) The youth's funds and personal property.

PART 6. ADOPTION EVALUATION SERVICES

R 400.12601 Department authorization.

Rule 601. ~~An agency shall be authorized by~~ **The department shall authorize an agency** to evaluate applicants for adoption.

R 400.12602 Program statement.

- Rule 602. (1) An agency shall have and follow a current written program statement.
- (2) The statement ~~shall~~ **must** include all ~~of~~ the following information:
 - (a) Services and functions provided directly or indirectly.
 - (b) Geographical area covered.
 - (c) Eligibility requirements for adoptive parents.
 - (d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services that includes specific charges for expenses and services, within and outside the agency, and differentiates between the charges that are refundable and the charges that are not refundable.
 - (e) Training requirements.
 - (3) An agency shall document that the statement was provided to all persons making inquiry about the agency's services.

R 400.12603 Policy and procedures.

Rule 603. (1) An agency shall have and follow written policies and procedures for the adoption services provided.

- (2) The policies and procedures ~~shall~~ **must** cover at least all ~~of~~ the following areas:

- (a) Orientation.
- (b) Training requirements.
- (c) Adoptive evaluation; **evaluation record**.
- (d) Agency recommendation.
- ~~(e) Adoption evaluation record.~~
- ~~(f)~~ (e) Grievance policy as required by R 400.12210.
- (3) An agency shall document that the policies and procedures were provided to all persons making inquiry about the agency's services.

R 400.12604 Orientation. ~~and application.~~

Rule 604. (1) An agency shall provide an orientation for prospective applicants for adoption before an adoptive application is provided.

- (2) The orientation ~~shall~~ **must** include a review of all ~~of~~ the following:
 - (a) Program statement, policies, and procedures.
 - (b) Needs and characteristics of children ~~available~~ **legally eligible** for adoption.
 - (c) Services and resources available.
 - (d) Fees and charges.
 - (e) Legal process.
 - (f) Training requirements.
 - (g) Post adoption service availability.
- ~~(2) An agency shall, upon request, provide an adoptive application to an interested family.~~
- ~~(3) An agency may consider an application withdrawn after 90 days if the applicant fails to cooperate with the completion of the evaluation process.~~

R 400.12605 Adoptive family evaluation.

Rule 605. (1) An agency social service worker shall complete a written adoptive evaluation within 90 days of the family signing an adoption application and prior to approving a family for adoption.

- (2) The report ~~shall~~ **must** include the dates and places of contacts and persons interviewed or observed.
- (3) The report ~~shall be~~ **is an must** assessment ~~of all of~~ the following:
 - (a) **A minimum of 1 V** ~~visits~~ at the residence of the applicants for adoption to conduct observations of, and interviews with, each member of the household to determine all ~~of~~ the following:
 - (i) Marital and family status and history, including current and ~~past~~ **previous** level of family functioning and relationships and any incidents of domestic violence.
 - (ii) Educational history and any special skills and interests.
 - (iii) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.
 - (iv) Physical, mental, and emotional health of each member of the household.
 - (v) Any history of substance ~~abuse~~ **use disorder** of each member of the household.
 - (vi) Parenting skills and attitudes toward children.
 - (vii) Methods of ~~discipline of~~ **calming children; and responding to challenging behaviors.**
 - (viii) Adjustment and special needs of the applicant's own children, including children not living in the home.
 - (ix) Strengths and weaknesses of each member of the household.
 - (x) Experiences with own parents and any history of out-of-home care.
 - (xi) Reasons for adopting.
 - (xii) Previous licenses or experience in providing child foster care, child day care, or adult foster care.

(xiii) Willingness to accept **and support** an adoptive child with the child's individual characteristics, needs, and background.

(xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of an adopted child.

(xv) Willingness and ability to understand an adopted child's attachment to the birth family and other significant relationships.

(xvi) An understanding of and willingness to participate in concurrent planning.

(xvii) Willingness and ability to give an adopted child guidance, love, and affection and accept the child as a member of the household.

(xviii) Existence of social support system and alternate care providers.

(b) Previous adoption evaluations or placements.

(c) Previous criminal convictions and confirmed child abuse or neglect ~~investigations~~ or concerns brought to the agency's or department's attention for any member of the household.

(d) Three current references from persons not related to the applicants. There ~~shall~~ **must** be an evaluation of any negative references.

(e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of an adoptive child. The statement ~~shall~~ **must** be signed by a physician within the 12-month period before the adoptive evaluation.

(f) Safety and maintenance of the applicant's house and, property, including, but not limited to, **the following:**

(i) ~~S~~sufficient beds and sleeping space.

(ii) ~~P~~pets.

(iii) ~~W~~weapons. ~~and~~

(iv) ~~F~~fire and water hazards.

(g) Assessment of the neighborhood, schools, community, and available resources for the purpose of adoption.

(h) The plan for guardianship of the child or children in the event of the parent or parents' death or permanent disability preventing continuation of parental responsibility.

(i) The family's plan to discuss adoption with any child adopted.

(j) Training needs of the family.

(k) The age, number, gender, race, ethnic background, and ~~special~~ characteristics of children preferred by the applicants.

R 400.12606 Training requirements.

Rule 606. An agency shall document that an applicant for adoption has, at a minimum, ~~had~~ training in all ~~of~~ the following areas:

(a) Separation.

(b) Attachment and bonding.

(c) Child development, including safe sleep practices for children under 1 year of age.

(d) Behavioral, **developmental**, and emotional needs of adoptive children.

(e) Impact of adoption on the family.

(f) Post adoption service availability.

(g) **Trauma.**

(h) **SOGIE.**

(i) **Human trafficking.**

R 400.12607 Agency recommendation.

Rule 607. (1) An agency shall recommend the appropriate action consistent with the facts contained in the adoptive evaluation. An agency shall make a written recommendation based on the findings of the adoptive family evaluation.

(2) The recommendation ~~shall~~ **must** include all ~~of~~ the following:

- (a) Be in writing.
- (b) Contain approval or denial of the applicants for adoption by a social service supervisor.
- (c) If approved, the number, ~~gender~~ **SOGIE**, age, race, ethnic background, **religion or spirituality**, and ~~special~~ characteristics of adoptive children who may be placed in the adoptive applicants' home. A child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (3) If an agency concludes that an individual is not approved, then the basis for the decision ~~shall~~ **must** be specified in the recommendation.
- (4) An agency shall provide the applicants for adoption with a signed and dated copy of the evaluation and recommendation upon its completion.

R 400.12608 Adoptive family evaluation record.

Rule 608. (1) An agency shall retain a case record for each applicant for adoption.

(2) The record ~~shall~~ **must** contain all ~~of~~ the following:

- (a) Orientation documentation as required by R 400.12604.
- (b) Adoptive evaluation as required by R 400.12605.
- (c) Record of training provided.
- (d) Documentation agency policies were provided to applicants.
- (e) All documents pertaining to adoption evaluation required by R 400.12605.
- (f) Agency recommendation as required by R 400.12606.
- (3) An agency shall retain each **adoptive family evaluation** record for not less than 3 years after the agency's termination of services to the applicant.
- (4) If a branch or associate office of a child-placing agency ceases to operate, then the branch's or office's adoption records ~~shall~~ **must** be forwarded to the central office of the branch or associate office.
- (5) If a child-placing agency ceases operation, the agency's ~~adoption~~ **adoptive family evaluation** records ~~shall~~ **must** be shredded or returned to the applicant if services to the applicant were terminated 3 or more years before the closure. Records ~~shall~~ **must** be forwarded to the department's central office adoptions for all other records.

PART 7. ADOPTION PLACEMENT SERVICES

R 400.12701 Department authorization.

Rule 701. ~~An agency shall be authorized by T~~the department **shall authorize an agency** to receive **accept** and place children for purposes of adoption.

R 400.12702 Program statement.

Rule 702. (1) An agency shall have and follow a current written program statement.

(2) The statement ~~shall~~ **must** include all ~~of~~ the following information:

(a) Types of adoptions provided by the agency, including whether the agency accepts children released under the ~~safe delivery act~~, section 20 of chapter XII of **the probate code of 1939**, 1939 PA 288, MCL 712.20.

(b) Procedures for selecting adoptive parents for a child, including the role of the child's parent or guardian in the selection process.

(c) The extent to which the agency permits or encourages exchange of identifying information or contact between biological and adoptive parents.

(d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. The delineation ~~shall~~ **must** include specific charges for expenses and services, within and outside the agency, and ~~shall~~ differentiate between the charges that are refundable and the charges that are not refundable.

(e) Services and functions provided directly or indirectly, including ~~both~~ **all** of the following:

(i) Counseling services and any other available services to a person who is releasing a child for adoption.

(ii) Counseling services and any other available services to a child being released for adoption based on the needs of the child.

(iii) ~~Counseling~~ **Therapeutic** services or post-finalization services provided to adoptive parents or to the adoptee.

(f) Geographical area covered.

(3) An agency shall document that the statement has been provided to all persons making inquiry to release a child for adoption and to prospective adoptive parents.

R 400.12703 Policy and procedures.

Rule 703. An agency shall have and follow written policies and procedures for the adoption services provided **under R 400.12704 to R 400.12713**.

~~(2) The policies and procedures shall cover all of the following areas :~~

~~(a) Safeguarding rights.~~

~~(b) Release.~~

~~(c) Recruitment.~~

~~(d) Orientation.~~

~~(e) Child evaluation.~~

~~(f) Placement selection.~~

~~(g) Adoptive parent information.~~

~~(h) Placement.~~

~~(i) Supervision.~~

~~(j) Adoption placement record.~~

R 400.12704 Safeguarding rights.

Rule 704. An agency shall prescribe safeguards relating to the needs and rights of all ~~of~~ the following ~~entities~~:

(a) Birth parents who are considering release ~~of~~, or who have released, ~~of~~ a child for adoption.

(b) The child who becomes available for adoption.

(c) The adoptive parents who apply to adopt or adopt a child.

R 400.12705 Release.

Rule 705. (1) An agency social service worker shall document that information has been provided for birth parents before the birth parents release their rights to a child unless the child is relinquished under **chapter XII of the probate code of 1939, the safe delivery of newborns act, 1939 PA 288, MCL 712.1 to 712.20.**

(2) The information ~~shall~~**must** include a review of all ~~of~~ the following:

- (a) Program statement, policies, and procedures.
- (b) Legal process for adoption.
- (c) Services and resources available.
- (d) Meaning and consequences of a release.

R 400.12706 Recruitment.

Rule 706. (1) An agency shall have an ongoing recruitment program to ensure an adequate number of suitable adoptive parents for the timely placement of all children serviced by the agency who are available for adoption.

(2) An agency shall recruit adoptive parents for children served by the agency considering all ~~of~~ the following criteria:

- (a) Ages and developmental needs of children.
- (b) Racial, ethnic, ~~and~~ cultural identity, **spirituality, and SOGIE** of children.
- (c) Sibling relationships of children.
- (d) Special needs of children.

(3) There ~~shall~~**must** be a child-specific recruitment plan for any child the agency is responsible for who is available for adoption and who does not have an identified family. The child-specific plan ~~shall~~**must** be based on the child evaluation, as required by R 400.12708, ~~and updated~~**reviewed** every 90 days, ~~and updated annually, as needed.~~

~~R 400.12707 Orientation. Rescinded.~~

~~Rule 707. An agency shall document that an orientation for the adoptive parents has been provided, consistent with the requirements of R 400.12604, before they are determined suitable to parent an adopted child.~~

R 400.12708 Child evaluation.

Rule 708. (1) A social service worker shall complete a written assessment of each child available for adoption. ~~within 60 days of the child being referred for adoption.~~ The assessment ~~shall~~**must** include all **available information about the child**, ~~available in the foster care file from the date the child entered care, and shall~~ meet all requirements of section 27 of chapter X of **the probate code of 1939, 1939 PA 288, MCL 710.27.**

(2) An agency ~~shall~~**must** have on file a written adoptive family evaluation and agency recommendation as required under R 400.12605 and R ~~400.12606-12607~~**12607** before approving the adoptive parents for each adoptive placement and before referring a child to, or placing a child in, the home for purposes of adoption.

R 400.12709 Placement selection.

Rule 709. (1) An agency shall document how all ~~of~~ the following factors were assessed in selecting appropriate adoptive parents:

- (a) The physical, emotional, medical, and educational needs of the child.

(b) The child's needs for continued contact with their parents, siblings, relatives, foster parents, and other persons significant to the child.

(c) The racial, ethnic, and cultural identity, heritage, **spirituality, SOGIE**, and background. The child's racial, ethnic, and cultural identity, heritage, **spirituality, SOGIE**, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(2) An agency shall place a child with agency-approved adoptive parents consistent with the needs of the child identified in subrule (1) of this rule, the child evaluation required by R 400.12708, **orientation as required by R 400.12604**, and the agency's adoptive parent recommendation as required by R 400.12607.

(3) An agency shall require a social service supervisor or chief administrator if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement by the social service worker. The approval ~~shall~~ **must** be documented in the record.

(4) An agency may approve overnight pre-placement visits to a family being considered for adoption of a child. Pre-placement **overnight** visits may only occur under the following conditions:

(a) If the placement selected is a licensed foster home, the certifying agency gives approval prior to any visits starting.

(b) There is an approved child evaluation.

(c) There is an approved family evaluation.

(d) The child evaluation has been shared with the prospective adoptive family prior to any pre-placement visits occurring.

(e) Planning for pre-placement visits is focused on the best interests of the child.

(f) There is a written plan for transitioning the child from the foster home to the adoptive home.

(g) Unless there are exceptional circumstances, that the transition period will not exceed 3 calendar months. A transitional period of more than 3 calendar months ~~shall~~ **must** be approved in writing by the MCI superintendent or the court with jurisdiction over the child.

~~(h) Overnight visitation is done in compliance with section 1 of 1973 PA 116, MCL 722.111(i).~~

(5) A public or private agency may place a child in an unlicensed home for the purposes of adoption if all of the following conditions have been met:

(a) The adoptive parents have received orientation in accordance with the requirements of R 400.12604. ~~and R 400.12707.~~

(b) The evaluation of the prospective adoptive parents has been completed in accordance with the requirements of R 400.12605 and the placement is consistent with the recommendation completed in accordance with R 400.12607.

(c) Supervisory approval of the placement has been documented in accordance with the requirements of subrule (3) of this rule.

(d) The adoptive petition has been filed with the court or consent to adopt has been granted by the authorized agency representative.

(6) The provisions of this rule do not prohibit a temporary placement made under section 23d of chapter X of **the probate code of 1939**, 1939 PA 288, MCL 710.23d.

R 400.12710 Adoptive parent information.

Rule 710. (1) An agency ~~shall~~ **must** provide adoptive parents with all of the following information before the placement of a child:

(a) Child's name.

(b) Date, time, and place of birth including hospital, city, state, and country.

(c) Medical, social, and educational history of the child.

- (d) Child's racial, ethnic, **SOGIE**, and religious **or spiritual** background.
 - (e) Description of the child's family of origin, including age and ~~sex~~ gender of family members, relationship to the child, and medical, social, and educational history of each member of the family.
 - (f) Circumstances necessitating placement of the child.
 - (g) Child's preparation for placement and attitude toward the adoption.
 - (h) Placement history.
 - (i) Any other known information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child.
- (2) An agency shall provide adoptive parents with any additional information that becomes available to the agency after the placement of the adoptive child.

R 400.12711 Placement.

Rule 711. An agency shall document how the following factors were assessed in selecting appropriate adoptive parents for a child:

- (a) The physical, emotional, medical, and educational needs of the child.
- (b) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.
- (c) The racial, ethnic, ~~and~~ cultural, **spiritual**, identity, heritage, and background. The child's racial, ethnic, and cultural, **spiritual**, identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (d) The child's SOGIE, if an assessment of the individual child indicates that such consideration is in the best interests of the child.**

R 400.12712 Supervision.

Rule 712. (1) An agency shall provide post-placement supervisory visits for the adoptive family at the adoptive parent's home as needed to ~~assure~~ **ensure** the safety and well-being of the child, but not less than once every month, after the placement of a child and until the final order of adoption-, **or as required by the sending state where the adoption originated.**

(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, include plans to assist the child or adoptive family.

(3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

R 400.12713 Adoption placement record.

Rule 713. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement except as identified in subrule (5) of this rule.

(2) The record ~~shall~~ **must** contain, **at a minimum**, all of the following:

- (a) Orientation documentation as required by R 400.12707~~12604~~.
- (b) Evaluation documentation as required by R 400.12708.
- (c) Placement documentation as required by R 400.12709.
- (d) Supervision documentation as required by R 400.12712~~1~~.

(3) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.

(4) If a child-placing agency ceases to operate, then the agency shall forward its records to the ~~Michigan department of human services.~~

(5) The Michigan department of human services must permanently retain all adoption records for children adopted from Michigan's child welfare system. The adoption agency must forward any adoption records for children adopted from the Michigan child welfare system to the department ~~one~~ **1** year after finalization of the adoption. The adoption agency may not retain the original copies or any other copies of the adoption records.

PART 8 INTER-COUNTRY ADOPTION

R 400.12801 Department authorization.

Rule 801. (1) ~~An agency shall be authorized by T~~the department **shall authorize an agency** to evaluate applicants for inter-country adoption.

(2) ~~An agency shall be authorized by T~~the department **shall authorize an agency to** assist with the adoption or placement of a child coming to the United States for the purpose of being adopted.

R 400.12802 Program statement.

Rule 802. (1) An agency shall have and follow a current written program statement that includes all ~~of~~ the following information:

- (a) Placement programs, by country.
- (b) Eligibility requirements for adoptive parents established by the agency and the specific countries.
- (c) Services available, either directly or indirectly, both before ~~adoption~~ and after adoption.
- (d) Procedures for completing adoptive evaluations.
- (e) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. Differences in fees for different countries ~~shall~~ **must** be clearly stated.
- (f) If the agency has written contracts or agreements with individuals in the foreign country or entity, the responsibilities of the agency and the responsibilities of the contractor ~~shall~~ **must** be clearly identified.

(2) The regulations issued by the United States federal government regarding the procedures for United States citizens adopting from a particular country or entity and the regulations issued by that country or entity for adoptions by foreigners ~~shall~~ **must** be kept on file at the agency.

(3) If an agreement exists between a foreign government or entity and an agency, an English language translation of verified written agreements with the foreign government ~~shall~~ **must** be on file at the agency and available for review. The agreement ~~shall~~ **must** conform to the laws and regulations of the United States, this state, and the foreign country.

(4) An agency shall provide the statement to all persons making inquiry about the agency's services at the time of inquiry.

(5) Where a child requires readoption in the state of residence where they will be living, the agency will assist in providing a home study and postplacement reports, if appropriate, and will provide orientation to the adoptive family on the basic procedures and steps necessary for the family to go through the process.

R 400.12803 Policies and procedures.

Rule 803. The agency shall have and follow written policies and procedures for inter-country adoption services, **including the requirements in R 400.12604, R 400.12605, and R 400.12804 to 400.12808.**

~~(2) The policies and procedures shall cover at least the following areas:~~

~~(a) Orientation, as required in R 400.12604.~~

- ~~(b) Adoptive evaluation, as required in R 400.12605.~~
- ~~(c) Fees.~~
- ~~(d) Placement.~~
- ~~(e) Supervision.~~
- ~~(f) Adoption record.~~

R 400.12804 Adoptive family evaluation.

Rule 804. (1) If an agency assists a family with an evaluation prepared specifically for the adoption of a child coming to the United States for the purpose of being adopted, then the agency shall complete adoptive evaluations as required in R 400.12605.

(2) Adoptive family evaluations accepted from other states or agencies in this state ~~shall have been~~ **must be** completed by an agency or social worker licensed to complete adoption home studies in the state where the evaluation was completed.

R 400.12805 Fees.

Rule 805. An agency shall have a specific fee policy that covers the following:

- ~~(1a)~~ That all fees are to be covered in a written agreement with applicants.
- ~~(2b)~~ What specific services are covered by the fees.
- ~~(3c)~~ Whether fees can change during an agreement.
- ~~(4d)~~ Fees associated with modifying the agreement.
- ~~(5e)~~ Specific fees for each country.
- ~~(6f)~~ Fees associated with changing countries.
- ~~(7g)~~ What fees can be transferred during the agreement.
- ~~(8h)~~ What fees are refundable and at what points in time.
- ~~(9i)~~ How fees are to be paid to individuals in other countries.
- ~~(10j)~~ Which fees are to be paid to individuals in other countries.

R 400.12806 Placement.

Rule 806. (1) An agency shall require a social service supervisor or chief administrator, if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement. The decision ~~shall~~ **must** be documented in the record.

(2) An adoptive family evaluation completed by a different agency or licensed social worker, where legal, must be endorsed by the agency arranging the placement.

R 400.12807 Supervision.

(1) An agency shall provide post-placement supervision for the adoptive family at the adoptive parent's home as needed, but not less than once every month after the placement of a child and until the final order of adoption, or as required by the country where the adoption originated.

(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, ~~shall~~ include plans to assist the child or adoptive family.

(3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

400.12808 Inter-country adoption record.

Rule 8078. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement.

(2) The child record ~~shall~~ **must** contain all ~~of~~ the following:

(a) Orientation documentation as required by R 400.12707 **12604**.

(b) Evaluation documentation as required by R 400.12708.

(c) Placement documentation as required by R 400.12709.

(d) Supervision documentation as required by R 400.12711.

(3) An agency shall retain a case record for each applicant family for adoption.

(4) The applicant family record ~~shall~~ **must** contain all ~~of~~ the following:

(a) Orientation documentation as required by R 400.12604.

(b) Adoptive family evaluation as required by R 400.12605.

(c) Record of training provided.

(d) Documentation of agency policies that were provided to applicants.

(e) All documents pertaining to adoption evaluation required by R 400.12605.

(f) Agency recommendation as required by R 400.12606.

(5) An agency shall retain each applicant family record for not less than 3 years after the agency's termination of services to the applicant family.

(6) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.

(7) If a child-placing agency ceases to operate, ~~then~~ the agency shall forward its child records to the ~~Michigan department of human services~~.

(8) If a child-placing agency ceases operation, the agency's adoptive applicant family records ~~shall~~ **must** be shredded or returned to the applicant family if services to the applicant family were terminated 3 or more years before the closure. Records ~~shall~~ **must** be forwarded to the ~~department of human services~~ central **adoption division** office ~~adoptions~~ for all other records.

NOTICE OF PUBLIC HEARING

Department of Health and Human Services
Children's Services Agency
Administrative Rules for Child Placing Agencies
Rule Set 2020-2 HS

NOTICE OF PUBLIC HEARING
Tuesday, October 12, 2021
09:00 AM

Grand Tower-Dempsey Room
235 S. Grand Avenue, First Floor, Lansing, MI 48933

The Department of Health and Human Services will hold a public hearing to receive public comments on proposed changes to the Child Placing Agencies rule set.

These rules address the licensing requirements for child placing agencies and foster family and group homes in the state. They provide the minimal standards for staff qualifications, licensing requirements of prospective foster parents and the foster homes, and requirements for LGBTQ youth placement. Further, there are conflicts within the child caring institution, child placing agencies, and foster family and group home rules that need to be amended for consistency for the contracted agencies providing services.

By authority conferred on the Director of Health and Human Services by section 2, 1973 PA 116, MCL 722.112 and E.O. No. 2015-4, MCL400.227.

The proposed rules will take effect 7 days after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 10/1/2021 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: MDHHS-AdminRules@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 10/15/2021 at 05:00PM.

Department of Health and Human Services
333 S. Grand Avenue, 5th Floor, Lansing, MI 48933

MDHHS-AdminRules@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 269-337-3744 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHILDREN'S SERVICES AGENCY

DIVISION OF CHILD WELFARE LICENSING

FOSTER FAMILY HOMES
AND
FOSTER FAMILY GROUP HOMES

These rules become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the Michigan Department of **health and Hhuman Sservices** by sections 2, 5, 10, and 14 of 1973 PA 116, ~~and the Executive Reorganization Orders No. 1996-1, No. 1996-2, 2003-1 and 2004-4, MCL 722.112, 722.115, 722.120, 722.124, 330.3101, 445.2001, 445.2011 and 400.226 and Executive Reorganization Order No. 2015-1, MCL 400.227 of the Michigan Compiled Laws)~~

R 400.9207 and R 400.9307 of the Michigan Administrative Code are rescinded, and R 400.9101, R 400.9102, R 400.9201, R 400.9202, R 400.9203, R 400.9204, R 400.9205, R 400.9206, R 400.9301, R 400.9302, R 400.9303, R 400.9305, R 400.9306, R 400.9308, R 400.9309, R 400.9310, R 400.9401, R 400.9402, R 400.9403, R 400.9404, R 400.9405, R 400.9406, R 400.9407, R 400.9408, R 400.9409, R 400.9410, R 400.9411, R 400.9412, R 400.9413, R 400.9414, R 400.9415, R 400.9416, R 400.9417, R 400.9419, R 400.9420, R 400.9501, R 400.9502, R 400.9503, R 400.9505, and R 400.9506 are amended, as follows:

PART 1. GENERAL PROVISIONS

R 400.9101 Definitions.

Rule 101. **(1)** As used in these rules:

- (a) "Act" means 1973 PA 116, ~~as amended, being~~ MCL 722.111 to 722.128.
- (b) "Agency" means the child placing agency that certifies the foster home for licensure by the department.
- (c) "Corporal punishment" means hitting, paddling, shaking, slapping, spanking, or any other use of physical force as a means of **discipline, punishment, or** behavior management, ~~except as provided in R 400.9404(2).~~
- (d) "Department" means the Michigan department of **health and** human services.
- (~~f~~**e**) "Foster care" means ~~the care, training, protection, and supervision of a foster child. a child's placement outside the child's parental home by and under the supervision of a child placing agency, the court, or the department. Foster care does not include the delegation of a parent's or guardian's powers regarding care, custody, or property of a child or ward under a properly executed power of attorney under the safe families for children act, 2018 PA 434, MCL 722.1551 to 722.1567.~~
- (~~g~~**f**) "Foster child" means a person who meets both of the following criteria:

(i) Resides in an out-of-home placement based on a court order or is temporarily placed by a parent or guardian for a limited time in a foster home as defined by the act or has been released by a parent to the department or a child placing agency pursuant to section 22 of **the probate code of 1939**, 1939 PA 288, MCL 710.22.

(ii) Is either of the following:

(A) Placed with or committed to the department for care and supervision by a court order under section 2 of chapter XIA of **the probate code of 1939**, 1939 PA 288, MCL 712A.2.

(B) Is ~~eighteen~~ **18** years of age or older, was in foster care prior to turning ~~eighteen~~**18**, and agrees to remain in care following termination of court jurisdiction.

~~(h) "Foster home" means a foster family home or foster family group home as defined in section 1 of the act.~~

~~(ig) "~~"Foster parent" means the person or persons, **including tribal members**, to whom a foster home license is issued.

(h) "Gender" or "gender identity" means a person's internal identification or self-image as a man, boy, woman, girl, or another gender identity.

(i) "Gender expression" means how a person publicly expresses or presents their gender, which may include behavior and outward appearance such as dress, hair, make-up, body language, and voice. Components of gender expression may or may not align with gender identity.

~~(j) "Infant" means a child between birth and 12 months of age~~ **the date of the child's first birthday.**

~~(k) "Member of the household" means any person, other than foster children, who resides in a foster home on an ongoing or recurrent basis.~~

~~(l) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.~~

~~(m) "Substitute care" means care that is provided to a foster child when the foster parent is not present or not available.~~

~~(n) "Willful noncompliance" means, after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.~~

(k) "Sexual orientation" means a person's identity in relation to the gender or genders to which they are attracted.

(l) "Social services worker" means a person who performs social service functions prescribed by these rules.

(m) "SOGIE" means an individual's sexual, orientation, gender, identity, and expression.

(2) A term defined in the act has the same meaning when used in these rules.

R 400.9102 Rule variance.

Rule 102. (1) The department may grant a variance from an administrative rule if all of the following provisions are satisfied:

(a) The agency and the foster parent have reviewed and agreed with the request.

(b) The agency requests the variance, in writing, from the department.

(c) The proposed variance from the rule ~~assures~~ **ensures** that the health, care, safety, protection, and supervision of a foster child are maintained.

(2) The decision of the department, including the conditions for which the variance is granted, ~~shall~~ **must** be entered upon the records of the department and a signed copy ~~shall be~~ sent to the agency and the foster parent. The variance may be time-limited or may remain in effect as long as the foster parent

continues to ~~assure~~ **ensure** that the health, care, safety, protection, and supervision of foster children are maintained.

PART 2. APPLICATION AND LICENSING

R 400.9201 Foster home applicant /licensee qualifications; **central registry check.**

Rule 201. (1) A foster home applicant or licensee ~~shall~~ **must** meet all of the following qualifications:

- (a) Be 18 years of age or older.
- ~~(b) Be of good moral character.~~
- (b) Be willing and can demonstrate the ability to meet the following requirements for children who are served by the agency:**
 - (i) How to provide care.**
 - (ii) Understanding the care needed and the ability to meet those care needs.**
 - (iii) Has adequate time to provide care and supervision.**
 - (iv) Work with a foster child's current and future family.**
 - (v) Willingness to accept a child's spirituality, or religious beliefs or practices, even if they are different from the foster parent.**
 - (vi) Willingness to accept and support a child's SOGIE.**
 - ~~(c) Express a willingness to provide care for children who are served by the agency.~~
 - ~~(d) Demonstrate an understanding of the care which must be provided to the children served by the agency.~~
 - ~~(e) Express a willingness to learn how to provide care to children served by the agency.~~
 - ~~(f) Have adequate time to provide care and supervision for the children.~~
 - (gc) Have a defined legal source of income or resources and be capable of managing that income, to meet the needs of the foster family.**
 - ~~(hd) Be of such~~ **Have the** physical, mental, and emotional health to ~~assure~~ **ensure** appropriate care of children.
 - ~~(i) Express a willingness, and demonstrate the ability, to work with a foster child's family or future family.~~
 - (je) Be of responsible character and be suitable and able to meet the needs of children and provide for their care, supervision, and protection.**
 - ~~(k) Demonstrate a willingness and ability to comply with the licensing rules for foster homes.~~
 - (lf) Be residing in the United States legally.**
- (2) In addition to the qualifications in subrule (1), an applicant may also live on a reservation or may be a confirmed member of a federally recognized Indian tribe.**
- (3) If an applicant is identified on the state central registry as a perpetrator of child abuse or neglect in this state, any other state, a Canadian province, or as part of a tribe, the applicant may not be licensed.**

R 400.9202 Member of household qualifications; **central registry.**

Rule 202. (1) ~~To assure the safety and welfare of a foster child, a member of the household shall meet all of the following qualifications:~~

- ~~(a) Be of good moral character and suitable to assure the welfare of children.~~
- ~~(b) Be in a state of physical, mental, and emotional health that will not impair the care of a foster child.~~
- ~~(c) Be willing to accept a foster child into the foster home as a member of the household.~~
- ~~(d) Be residing in the United States legally.~~

~~(2) Any adult member of the household who provides care for foster children shall also meet the qualifications specified in R 400.9201. If an adult member of the household is identified on the central registry as a perpetrator of child abuse or neglect in this state, any other state, a Canadian province, or as part of a tribe, the applicant may not be licensed.~~

R 400.9203 Orientation.

Rule 203. Before completing and submitting an application for an original license or transferring a license to another certifying agency, each applicant/licensee for a foster home license ~~shall~~ **must** attend orientation pursuant to R 400.12307.

R 400.9204 Application submission.

Rule 204. (1) A foster home applicant ~~shall~~ **must** complete, ~~sign,~~ **acknowledge**, and submit an application. ~~within 30 days of receiving an application. If an application is not submitted within 30 days of receipt, the application shall be considered withdrawn.~~

(2) In a ~~2~~ **multiple**-caregiver household, ~~both caregivers~~ **all applicants** ~~shall~~ **must** ~~sign~~ **acknowledge** the application.

(3) **An agency may consider an application withdrawn after 60 days if the applicant fails to cooperate, after attempts to actively engage the family, with the completion of the licensing process, provided there are no known non-compliances that would result in disciplinary action.**

R 400.9205 **Criminal history; central registry Records check; “good moral character;” convictions.**

Rule 205. (1) A foster home applicant/ or licensee ~~shall~~ **must** provide the agency with the name of, and a signed release **for, a criminal history and child protective services check** to obtain any of the following information ~~about,~~ **from** each adult member of the household, including children who turn 18 years of age while living in the home:

- (a) Conviction of a crime other than a minor traffic violation.
- (b) Involvement in substantiated abuse or neglect of a child or adult.
- (c) Placement on court-supervised parole or probation.

(2) **If an applicant, licensee, or adult member of the household identifies as a member of a federally recognized Indian tribe or identifies that they have lived on a reservation, the certifying child placing agency must contact the specific tribal jurisdiction, including tribal social services or the tribal court, to determine whether that jurisdiction has relevant background information to provide to the department regarding the licensing approval. The department may proceed with the licensing application process using all other factors for licensing approval of the home if there is no tribal response.**

(3) **A foster home applicant or licensee must undergo a fingerprint-based, criminal history check.**

(4) **Any adult member of the household must undergo a state-based criminal history background check and, if applicable, contact with the appropriate jurisdiction as referenced in subrule (2) of this rule.**

(5) **A license may not be issued or maintained by an applicant or licensee unless the department has made a determination under section 2 of 1974 PA 381, MCL 338.42, regarding the applicant or licensee’s “good moral character” and convictions.**

~~(26) By the next working day after another adult moves into a currently licensed foster home, or upon the request of the agency, a foster parent shall provide the agency with the name of the adult and a~~

~~signed release to obtain the information required in subrule (1) of this rule.~~ **A foster parent must provide the agency with the name of any adult who moves into a licensed foster home within 3 working days, or upon the agency's request. A release must be signed by the adult to obtain the information required in subrule (1) of this rule.**

~~(3) If an applicant, licensee, or adult household member is identified on central registry as a perpetrator of child abuse or neglect in this state or any other state or Canadian province, he or she shall not be licensed or reside in a licensed foster home.~~

R 400.9206 Foster home evaluation.

Rule 206. A foster home applicant/licensee ~~shall~~ **must** do all of the following:

(a) Allow the agency access to the foster home and any other buildings located on the premises for licensing and foster child supervision purposes.

~~(b) Truthfully assist the agency in determining all of~~ **Provide accurate and truthful information on an ongoing basis regarding** the following:

(i) ~~The applicant or licensee's Marital and family and marital~~ **status and history, including the current and past previous level of family functioning and relationships, and any current and previous incidents of domestic violence, elder abuse, or child abuse, either as a perpetrator or victim.**

(ii) The circumstances surrounding any criminal convictions or arrests for each member of the household, including minor children.

~~(iii) Educational history and any special skills and interests.~~

~~(iv) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.~~

~~(viii) Current or past P~~ **physical, mental, and emotional health of each member of the household, including substance use, abuse, or treatment.**

~~(vi) Any history of substance abuse, including alcohol, drugs or controlled substances, by each member of the household and a description of any treatment received.~~

~~(vii) Current substance use, including alcohol, drugs, or controlled substances, by each member of the household and a description of any treatment being received.~~

~~(iv)~~ **Parenting skills and attitudes toward strategies for building healthy relationships with children.**

~~(ixv)~~ **Methods of discipline of children.**

~~(xvi)~~ **Adjustment and special needs of the applicant's own children, including children not living in the home.**

~~(xi) Strengths and weaknesses of each member of the household.~~

~~(xii) Experiences with own parents and any history of out of home care.~~

~~(xiii) Family's perception of the purpose of foster care.~~

~~(xiv) Reason for applying to be a foster family.~~

~~(xvii)~~ **Previous licenses or experience in providing child foster care, child day care, or adult foster care.**

~~(xvi) Willingness of each member of the household to accept a foster child with the child's individual characteristics, needs, and background.~~

~~(xvii) Willingness to parent cross racially or cross culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.~~

~~(xviii) Willingness and ability to give a foster child guidance, love, and affection and accept the child as a member of the household.~~

~~(xix) Willingness and ability to work with a foster child's birth family and to understand the foster child's attachment to the birth family.~~

~~(xx) Understanding of and willingness to participate in concurrent planning.~~

- ~~(xxiviii)~~ Existence of a social support system including alternate care providers.
- ~~(xxii)~~ Spirituality or religious beliefs.
- ~~(xxiii ix)~~ Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards. **Willingness to accept a child's spirituality, or religious beliefs or practices, even if they are different from the foster parent.**
- (x) Willingness to accept and support a child's SOGIE.**
- ~~(xi)~~ Safety and maintenance of the applicant's house and property, including, but not limited to, sufficient beds and sleeping space, pets, ~~guns~~ **firearms** and other weapons, and water hazards.
- ~~(xxiv)~~ Assessment of the neighborhood, schools, community, and available resources.
- ~~(xxv xii)~~ The age, number, ~~gender~~, **SOGIE**, race, ethnic background, and special characteristics of children preferred by the applicants, **including those characteristics that an applicant or licensee would not accept.**
- (c) Provide the agency with all of the following:
 - (i) Three current references **related or non-related to the applicant/licensee.** ~~from persons not related to the applicants.~~
 - ~~(ii) A medical history that includes all treatments and all prescriptions used by each member of the household.~~
 - (ii) Verification of completed pre-licensure training for each person listed on the license as outlined in R 400.12312(2) and (3).**
 - (iii) A medical statement that includes all treatments, and all prescriptions, and medications being used by **for** each member of the household that indicates ~~that~~ the member has no known condition which would affect the care of a foster child. The statement ~~shall~~ **must** be signed by a physician, physician's assistant, or nurse practitioner within the 12-month period ~~before licensure~~ **preceding the date of the initial evaluation. Any subsequent household member added to the household must provide the medical statement within 90 days.**
 - ~~(iv) A statement~~ **Information** regarding any past and/or current mental health treatment ~~or counseling~~ by any member of the household.

R 400.9207 Foster home reevaluations and special evaluations. **Rescinded.**

Rule 207. A foster parent shall do all of the following:

- ~~(a) Allow the agency access to the foster home for licensing and foster child supervision purposes.~~
- ~~(b) On an ongoing basis, provide all changes to the factual information contained in the initial evaluation and subsequent evaluations.~~
- ~~(c) Share information on family functioning and interrelationships.~~
- ~~(d) Provide a preference for receiving children in placement, including the characteristics, age, sex, race, ethnic background, and number of children the foster parents would not wish to accept in placement.~~

PART 3. THE FOSTER HOME

R 400.9301 Maintenance.

Rule 301. (1) A foster parent shall ensure ~~that~~ the **home, grounds, and all property, structure,s on the grounds of the property are maintained in a clean, safe, and sanitary condition, and in a reasonable state of repair within community standards.** ~~premises, and furnishings of a foster home are constructed and maintained in a clean and safe condition and in good repair.~~

~~(2) A foster parent shall ensure that the property, structures, premises, and furnishings are adequately constructed and maintained to meet the needs of each foster child and each member of the household.~~

~~(32) A foster parent shall ensure that all animals are safe to be around members of the household and the children who may be placed in the home. The foster parent shall notify the agency within 3 business days when new pets are acquired. Animals shall~~ **must** ~~be licensed and vaccinated in accordance with the state, tribal, and local laws of the municipality where the foster home is located.~~

~~(4) Before using a residential pool, spa, or hot tub, the foster parent shall ensure that the water is clean, safe, and sanitary.~~

~~(53) Children must be adequately supervised at all times around~~ **during** ~~any water activity as appropriate for their age and functioning level.~~

(4) Swimming pools on the premises must meet all the following:

(a) State, tribal, and local safety requirements.

(b) Availability of rescue equipment at all times.

(c) A working pump and filtering system if the swimming pool cannot be emptied after each use.

(d) A swimming pool that cannot be emptied after each use must have a barrier on all sides and access through the barrier must be equipped with a safety device. For more information, access “Safety Barrier Guidelines for Residential Pools” on the U.S. Consumer Product Safety Commission website.

~~–(6) If there is a residential pool, spa, hot tub, pond, or other body of water on the premises, rescue equipment shall be available at all times. There shall be an alarm on any exterior door that leads directly to the pool, spa, hot tub, pond, or other body of water.~~

(5) Spas or hot tubs must have safety covers that are locked when not in use.

(6) There must be an alarm on any exterior door that leads directly to a pond or other body of water, and water rescue equipment must be available at all times.

R 400.9302 Heat, light, and ventilation.

Rule 302. (1) A foster parent shall ensure that the foster home heat, light, and ventilation is adequate.

(2) A foster parent shall ensure that the foster home windows and doors are screened if used for ventilation. **This subrule does not apply to those homes where windows or doors, or both, are not used for ventilation.**

R 400.9303 Flame and heat-producing equipment; maintenance; ~~inspection.~~

Rule 303. (1) A foster parent shall- ensure that all of the following items are maintained in safe condition:

(a) Furnace.

(b) Water heater.

(c) Fireplace.

(d) Pipes.

(e) Radiators.

(f) Wood-burning stoves.

(g) Other flame-producing or heat-producing equipment.

(2) Portable heating devices ~~may be used for up and awake activity,~~ **may not be used except** in bedrooms.

R 400.9305 Bathrooms; water supply; sewage disposal.

Rule 305. ~~(1)~~ A foster parent shall ensure ~~that~~ **the foster home has or complies with all the following:**

(a) ~~A~~ minimum of 1 flush toilet, 1 ~~washbasin sink~~ that has ~~warm and cold~~ running water, and 1 bathtub or shower that has ~~warm and cold~~ running water, all of which ~~shall~~ **must** be in working order.

(2b) ~~A foster parent shall ensure that~~ **The temperature of water available from outlets accessible to a foster child shall may not exceed 120 degrees Fahrenheit.**

(3c) ~~A foster parent shall ensure that~~ **The foster home that provides care to a foster child, who regularly requires the use of a wheelchair, has bathroom facilities that are readily accessible to the foster child who regularly requires the use of a wheelchair, walker, or any other durable medical equipment.**

(4d) ~~A foster parent shall ensure that~~ **The foster home water supply is from a source that is approved for a private home by the health authority.**

(5e) ~~A foster parent shall ensure that~~ **All sewage is disposed of through a public system or, in the absence of a public system, in a manner that is approved for a private home by the health authority.**

R 400.9306 Bedrooms.

Rule 306. (1) A foster parent shall ensure that bedrooms comply with all of the following provisions:

(a) Provide an adequate opportunity for both rest and privacy and access to adult supervision as appropriate for the age and functioning level of each child. **The use of video cameras in a bedroom of any foster child over the age of 2 is strictly prohibited.**

(b) ~~Have not less than 40 square feet of floor space per person, excluding closets.~~

(eb) ~~Have sufficient space for the storage of clothing and personal belongings.~~ **Have sufficient space for all the following:**

(i) **Occupants.**

(ii) **Beds with adequate head clearance for each child.**

(iii) **Space to store clothing and personal belongings.**

(iv) **A clear path to the bed, belongings, and the door.**

(dc) ~~Have a finished ceiling, floor to ceiling permanently affixed walls, and finished flooring.~~ **Have painted or sealed surfaces, privacy barriers, and hazard-free flooring.**

(ed) Have a latchable door that leads directly to a means of egress. As used in this rule, latchable means that the door can be closed and will remain closed until someone opens it. Latchable does not mean lockable.

(fe) Have at least 1 outside window that complies with all of the following: ~~provisions:~~

(i) Is accessible to ~~children and caregivers~~ **the room's occupant or occupants.**

(ii) Can be readily opened from the inside of the room.

(iii) Is of sufficient size and design to allow for the evacuation of ~~children and caregivers~~ **the room's occupant or occupants.**

(f) **If a family member occupies or uses a level of a home that is above the second floor, then the building must have 2 exits to ground level, at least 1 of which must provide a direct means of egress to the outside at ground level.**

(g) ~~The bedroom must B~~ **be free from** of all of the following:

(i) ~~Household heating equipment~~ **Furnace.**

(ii) **Water heater.**

(iii) ~~Clothes washer.~~ **Portable heating devices.**

(iv) ~~Clothes dryer.~~

~~(2) A foster parent shall not use as a bedroom a room that is primarily used for purposes other than sleeping. A foster parent shall not use any of the following as a bedroom~~ **A room that is primarily used for purposes other than sleeping may not be used as a bedroom, and includes the following:**

- (a) A hall.
- (b) A closet.
- (c) A stairway.
- (d) A garage.
- (e) A shed.
- (f) A detached building.
- (g) A room or space, including an attic, that is accessible only by a ladder, folding stairway, or through a trapdoor.

(h) A common area of the home.

(23) A foster parent shall ensure that all bedding and sleeping equipment comply with all the following:

(a) ~~The standards set forth in the U.S. Consumer Product Safety Commission, Safety Standards for Full Size Baby Cribs and Non-Full Size Baby Cribs; Final Rule, 16 CFR parts 1219, 1220, and 1500, (http://www.cpsc.gov) for the age of the child using the equipment. and also comply with all of the following conditions:~~

(ab) Pillows, linens, and mattresses must be clean, safe, age appropriate, and in good repair. All blankets shall be appropriate for the weather.

~~(b) All bedding and equipment shall be in good repair and cleaned and sanitized before being used by another person.~~

~~(c) All bedding used by children shall be washed when soiled or weekly at a minimum.~~

~~(d) A clean pillow is available for children 2 years of age and older.~~

(ec) Infants, birth to 12 months of age, shall must rest or sleep alone only in a crib, bassinet, or Pack 'n Play, based on the age, size, that meets the and needs of the infant. and the conditions of subdivision (f) of this subrule.

~~(f) All cribs shall be equipped with all of the following:~~

~~(i) A firm, tight fitting mattress with a waterproof, washable covering.~~

~~(ii) No loose, missing, or broken hardware or slats.~~

~~(iii) Not more than 2 3/8 inches between the slats.~~

~~(iv) No corner posts over 1/16 inches high.~~

~~(v) No cutout designs in the headboard or footboard.~~

~~(vi) A tightly fitted bottom sheet shall cover the mattress with no additional padding placed between the sheet and mattress.~~

(d) A foster parent must follow the department's safe sleep practices located at www.michigan.gov/dhhs.

~~(g) An infant's head shall remain uncovered(g)ed during sleep.~~

(he) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, and other objects that could smother a child Objects may not be placed or draped over a crib, bassinet, or Pack 'n Play and an infant's head may not be covered during sleep. with or under a resting or sleeping infant.

~~(i) Blankets shall not be draped over cribs.~~

(j) Infant car seats, infant seats, infant swings, bassinets, highchairs, playpens, pack'n plays, collapsible cribs, collapsible playyards, waterbeds, adult beds, soft mattresses, sofas, beanbags or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.

(k) Children 24 months or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size and age.

(If) The foster parent ~~shall~~ **must** have the appropriate ~~number and types of beds/cribs~~ **sleeping equipment** available in the home prior to licensure or a change in terms for all children who will be covered under the terms of the license.

R 400.9307 ~~Exits.~~ **Rescinded.**

~~Rule 307. (1) A foster parent shall ensure that there are 2 exits from each floor level used by a family member. A foster parent shall ensure that the exits are remote from each other and that 1 of the exits provides a direct, safe means of unobstructed travel to the outside at street or ground level.~~

~~(2) A window may be used as a second exit if it is in compliance with all of the following provisions:~~

~~(a) Is accessible to children and caregivers.~~

~~(b) Can be readily opened from the inside of the room.~~

~~(c) Is of sufficient a size and design to allow for the evacuation of children and caregivers.~~

~~(3) If a family member occupies uses a level of a home that is above the second floor, then the building shall have 2 stairways to ground level, at least 1 of which shall provide a direct means of egress to the outside at ground level.~~

R 400.9308 Telephone.

Rule 308. (1) A foster parent shall ensure that a working telephone is available in the foster home ~~at all times or in close walking proximity to the foster home.~~

(2) A foster parent shall ensure that emergency telephone numbers, **including Poison Control, which follow appropriate agency protocol are within sight of the telephone are posted in a prominent place in the home.**

(3) The foster parent ~~shall~~ **must** provide the ~~home~~ telephone number to the certifying agency and ~~shall~~ inform the agency within 24 hours if the number changes.

R 400.9309 Wheelchair access; **other durable medical equipment.**

Rule 309. A foster parent shall ensure that a foster home that provides care to a foster child who regularly requires the use of a wheelchair, **a walker, or any other durable medical equipment, is accessible.**

R 400.9310 Smoking.

Rule 310. (1) An individual ~~shall~~ **may** not smoke any substance inside the foster home while foster children are placed in the home.

(2) An individual ~~shall~~ **may** not smoke any substance inside a vehicle while transporting foster children.

PART 4. FOSTER CARE

R 400.9401 Child capacity; living arrangement.

Rule 401. (1) Both of the following apply to the capacity of a foster home:

(a) Not more than 8 children under 17 years of age, including children of the foster parents, may live in or receive foster care in a foster home at any given time.

(b) If a foster home is concurrently licensed for child care, the total number of children under 17 years of age, including children of the foster parents, who live in or receive care in the foster home, ~~shall~~ may

not exceed 12. The foster home ~~shall~~ must comply with all applicable licensing rules for both foster homes and child care homes.

~~(2) All of the following apply to infants:~~

~~(a) Not more than 2 children under 1 year of age, including the children of the foster parents, may receive care in a foster home at any time.~~

~~(b) Children birth to 12 months of age shall sleep alone in a crib.~~

~~(c) An infant shall be placed on his or her back for resting and sleeping.~~

~~(d) An infant unable to roll from stomach to back, and from back to stomach, when found face down, shall be placed on his or her back.~~

~~(e) An infant who can easily turn over from his or her back to his or her stomach shall be initially placed on his or her back but allowed to adopt whatever position he or she prefers for sleep.~~

~~(f) For an infant who cannot rest or sleep on her/his back, the foster parent shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant.~~

~~(g) The foster parent shall maintain supervision and frequently monitor infants' breathing, sleep position, and bedding for possible signs of distress. Baby monitors shall not be used exclusively to comply with this subdivision.~~

(2) All children in the home must be treated equitably, meaning each child has similar sleeping arrangements as other household members.

(3) Foster parent or parents must designate sleeping arrangements that are appropriate for each child's age, SOGIE, medical and mental health needs, behavior, and history of abuse.

(34) A child who is non-ambulatory and cannot readily be carried by 1 member of the household shall must sleep in a bedroom that has a means of exiting at ground level.

(5)-A child shall may not share a bedroom with a non-parent adult unless 1 of the following conditions exists:

(a) The child and adult are siblings. ~~of the same sex.~~

(b) The child and adult are foster siblings who were sharing the bedroom prior to 1 of them turning 18 years of age.

(c) The child has a special medical need that requires the attention of an adult during sleeping hours.

~~(6) A minor child, 3 years of age or older, shall not routinely share the same bedroom with a parent.~~

~~(7) Children of the opposite sex, any of whom are more than 5 years of age, shall not share the same bedroom.~~

(86) Each child shall must sleep alone or may share a bed with a sibling in a bed based on that is sufficient to meet the functioning level, size, length, and other special needs of the child.

~~(9) Resting or sleeping areas shall have adequate lighting to allow the foster parent to assess children.~~

R 400.9402 Child placement.

Rule 402. ~~(4)~~ A foster parent shall receive a foster child for care only within the approved placement specifications **and the terms of the foster home license. Placement of a foster child must only be received from the agency that certified the home or from another agency with the prior approval of the agency that certified the home.**

~~(2) A foster parent shall receive a foster child for care only within the terms of the foster home license.~~

~~(3) A foster parent shall receive a foster child for care only from the agency that certified the home or from another agency with the prior approval of the agency that certified the home.~~

R 400.9403 Foster parent duties.

Rule 403. A foster parent shall carry out each of the following functions:

(a) Cooperate with and assist the agency in the agency's implementation of the service plan for children and their families.

(b) Fully disclose to the agency information concerning a foster child's progress, **strengths**, and **problems needs**.

(c) Provide written notification to the agency of the need for a foster child to be moved from the foster home not less than 14 calendar days before the move, except when a delay would jeopardize the foster child's care or safety or the safety of members of the foster family.

~~(d) Maintain a copy of and follow the agency's written policies and procedures for foster parents and foster care, including the policies and procedures for all of the following:~~

~~(i) Behavior management as required by R 400.12313.~~

~~(ii) Religion as required by R 400.12314.~~

~~(iii) Communication as required by R 400.12315.~~

~~(iv) Education as required by R 400.12409.~~

~~(v) Personal possessions as required by R 400.12316.~~

~~(vi) Allowance and money, as required by R 400.12317.~~

~~(vii) Clothing as required by R 400.12318.~~

~~(viii) Emergencies as required by R 400.12323.~~

~~(ix) Medical and dental care as required by R 400.12413.~~

~~(x) Substitute care as required by R 400.12319.~~

~~(xi) Supervision as required by R 400.12320.~~

~~(xii) Incidents reporting as required by R 400.12322.~~

~~(xiii) Hazardous materials as required by R 400.12321.~~

R 400.9404 Behavior management.

Rule 404. (1) A foster parent ~~shall~~ **must** follow the ~~behavior management~~ **behavioral support** plan developed for each foster child by the child's social services worker.

(2) A foster parent may use reasonable ~~restraint methods of physical intervention~~ to prevent a foster child from harming himself or herself, ~~or other persons or property or to allow the child to gain control of himself or herself.~~

(3) A foster parent ~~shall~~ **may not physically discipline or** use corporal punishment for any reason with a foster child **and will intervene with a child in ways that are trauma-responsive, positive, and consistent, and are based on each foster child's needs, stage of development, and behavior.**

Children must always be treated with dignity, sensitivity, compassion, and respect.

(4) All the following are prohibited:

(a) Corporal punishment, any type of restraint, or any kind of punishment inflicted on the body.

(b) Confinement in an area such as a closet or locked room.

(c) Withholding food, clothing, rest, toilet use, or entrance to the foster home.

(d) Mental or emotional cruelty.

(e) Verbal abuse, including the use of derogatory or discriminatory language, including negative references to the child's SOGIE, yelling at youth, threats, ridicule, or humiliation.

(f) Prohibiting visits or communication with a foster child's family.

(g) Denial of necessary educational, medical, counseling, or social work services.

R 400.9405 Religion and spirituality.

Rule 405. ~~A foster parent shall follow the agency's religion policy.~~ **(1) An agency's religion policy must, at a minimum, ensure that the foster child has the opportunity to receive religious**

instruction and may participate or choose not to participate in religious or spiritual instruction, engage or choose not to engage in religious or spiritual practices, or attend or choose not to attend religious or spiritual services.

(2) A foster child may not be required to attend religious or spiritual services or follow specific religious or spiritual doctrine.

R 400.9406 Communication.

Rule 406. A foster parent ~~shall~~ **must** comply with the agency's communication policy **and ensure that a child is able to communicate with family and friends in a manner consistent with the child's expressed wishes, appropriate to the child's functioning, and in accordance with the child's treatment plan.**

R 400.9407 Education.

Rule 407. ~~A foster parent shall cooperate with the agency to implement the education or training plan for a foster child to ensure that a school age child attends school or a training program and shall participate with the school or the training program in educational planning.~~ **(1) Within 5 school days of placement, an agency must provide for the enrollment of each child of school age, as defined by state law, into a school program.**

(2) A foster parent must cooperate with the agency to implement the education or training plan for a foster child to ensure that a school age child attends school or a training program and will participate with the school or the training program in education planning.

R 400.9408 Personal possessions.

Rule 408. A foster parent shall comply with ~~both~~ **all** of the following:

(a) ~~Assure~~ **Ensure** that a child has ~~a right to have~~ his or her personal possessions during placement with the foster family ~~or and to have them returned stored in a safe and secure manner~~ when leaving the foster family.

(b) Safely store a child's personal possessions.

~~(bc)~~ All gifts and clothing that are purchased for the child during placement with the foster family remain the property of the foster child.

R 400.9409 Allowance and money.

Rule 409. (1) A foster parent ~~shall~~ **must apply both of the following regarding a child's allowance and money: the agency's policy on allowance.**

(a) General guidelines that provide a monetary range based on a child's age.

(b) Allowance for specific youth will be determined by the social services worker and the foster parent based on the child's age and treatment needs.

(2) Any money earned or received directly by the child remains the property of the child.

R 400.9410 Clothing.

Rule 410. **(1) A foster parent must ensure that a foster child has the minimum required clothing specified by the agency's policy and leaves the foster home with not less than the minimum required clothing.**

(2) All clothing the child has when he or she arrives at the foster home and all clothing purchased for the child while in the foster home remains the property of the foster child, **unless returned to the biological parent or parents.**

R 400.9411 Emergencies.

Rule 411. (1) A foster parent ~~shall~~ **must have a written emergency evacuation plan displayed in a prominent place in the home.** ~~follow agency approved written procedures for each of the following emergencies:~~

~~(a) Fire.~~

~~(b) Tornado.~~

~~(c) Serious accident or injury.~~

~~(2) A foster parent who provides care for a person who requires assistance to evacuate the home shall follow agency approved written procedures for prompt evacuation.~~

(32) A foster parent ~~shall~~ **must** familiarize each member of the household, including the foster child according to the child's ability to understand and persons who provide ~~substitute care~~ **and supervision**, with the emergency and evacuation procedures.

~~(43) A foster parent shall practice emergency evacuation procedures at least 1 time every 4 months. A~~ **foster parent must maintain first aid supplies in the home.**

R 400.9412 Medical and dental care.

Rule 412. (1) A foster parent shall follow ~~and carry out~~ the health plan for a foster child as prescribed by a physician, health authority, or the agency.

(2) A foster parent shall follow agency approved protocols for medical care of a foster child who is injured or ill.

(3) A foster parent shall ensure that all medications, both prescription and nonprescription, are ~~inaccessible to children and properly stored~~ **and are accessible as appropriate for the age and functioning level of the child.** ~~as and unless there is an alternative direction from the prescribing physician.~~

(4) A foster parent shall ensure that prescription medication is given or applied as directed by a licensed physician.

R 400.9413 ~~Substitute care~~ **Supervision.**

Rule 413. ~~(1) A foster parent shall follow the agency's substitute care policy.~~

~~(21) A foster parent shall~~ **always** ~~ensure that appropriate care and supervision are provided for foster children at all times consistent with the child's treatment plan.~~ **an appropriate level of care and supervision for the foster child, consistent with a child's age, level of functioning, and treatment plan.**

(32) A foster parent shall identify **at least 1 adult who would care for the foster child for an extended overnight period. The identified adult must have both a central registry and a criminal history background check.** ~~primary substitute caregiver who agrees to follow the policies of the certifying agency.~~

(3) A foster parent **must** notify the agency of any extended, overnight period when a foster child will be out of the home for a period exceeding 3 days.

(4) A foster parent **must** notify any foster child's care provider of the agency's policies relating to care and supervision and the care provider **must** follow the policies.

R 400.9414 Unusual incident notification.

Rule 414. (1) A foster parent ~~shall~~ **must** immediately notify the agency **regarding any of the following:** ~~of the death of a foster child.~~

(a) **The death of a foster child.**

(b) **The removal or attempted removal of a foster child from a foster home by any person not authorized by the agency.**

(c) **The foster child is missing.**

(d) **Any illness or serious injury that results in inpatient hospitalization of a foster child.**

~~(2) A foster parent shall immediately notify the agency of the removal or attempted removal of a foster child from a foster home by any person not authorized by the agency.~~

~~(3) A foster parent shall immediately notify the agency that a foster child is missing.~~

(42) A foster parent ~~shall~~ **must** notify the agency within 24 hours after the foster parent knows of any of the following:

~~(a) Any illness that results in inpatient hospitalization of a foster child.~~

~~(ba)~~ Any ~~accident or~~ injury of a foster child that requires medical treatment by a licensed or registered health care person.

~~(eb)~~ A foster child's involvement with law enforcement authorities.

~~(ec)~~ Pregnancy of a foster child.

~~(ed)~~ Incidences of child-on-child abuse.

~~(fe)~~ Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.

R 400.9415 Hazardous materials ~~and firearm storage.~~

Rule 415. (1) Federal standards for a foster family or group home include specific safety requirements for weapons, pools, hot tubs, and spas, as these pose a particular preventable danger to children.

(2) Dangerous equipment and objects, weapons, chemicals, medications, poisonous materials, cleaning supplies, and other hazardous materials that may present a risk to children placed in the foster home must be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.

(3) Unless carried in the **licensed home and on the licensed property** as permitted by law, firearms and ammunition must be stored as follows:

(a) Firearms must be all ~~of~~ the following:

(i) Locked in compliance with 1 of the following:

(A) By a cable-lock.

(B) By a trigger-lock.

(C) In a gun safe.

(D) A solid metal gun case.

(E) A solid wood gun case.

(ii) Unloaded.

(iii) Separate from ammunition; **however, as long as the firearm is stored in compliance with paragraph (i)(C) to (E) of this subdivision, the ammunition may be stored together with the firearm in the same locked safe or case.**

(iv) Inaccessible to children.

(b) Ammunition must be stored in a locked location and inaccessible to children.

(c) All applicable laws regarding the possession, use, transportation, and storage of firearms and ammunition, including for hunting, still apply.

(d) Licensees with a CPL may possess a firearm pursuant to the law in a vehicle on the licensed property, provided it is done so in such a manner to prevent foster children from having access to it, such as being on the licensee's person or stored in a locked container.

(e) Licensees may engage in hunting, range shooting, and target practice with a foster child in accordance with the reasonable and prudent parenting standard as defined in section 1 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

R 400.9416 Foster parent training.

Rule 416. (1) Each licensed foster parent ~~shall~~ **must** attend training as required by the agency's foster parent training plan, totaling to at least 6 clock hours per year.

(2) At least 1 adult member of the household ~~shall~~ **must** have training in and maintain a current certification in first aid **and cardiopulmonary resuscitation** from the American Heart Association or the American Red Cross, or other institution approved by the department.

R 400.9417 Food and nutrition.

Rule 417. ~~(1) A foster parent shall provide for the nutritional needs of each foster child in the foster home.~~

~~(21)~~ A foster parent shall provide a foster child with meals that are nutritious, well- balanced, and of sufficient quantity.

~~(32)~~ A foster parent shall provide a special diet if a foster child has been prescribed a special diet. Only a licensed physician or other health professional under the supervision of a licensed physician may prescribe special diets. **A foster parent must allow the foster child to eat with other members of the family and serve a foster child the same meals as other members of the household, unless a special diet has been prescribed by a licensed physician or unless otherwise dictated by differing nutritional requirements related to the child's age, medical condition, or religious beliefs.**

~~(4)~~ A foster parent shall allow a foster child to eat with other members of the household.

~~(5)~~ A foster parent shall serve a foster child the same meals as other members of the household, unless a special diet has been prescribed or unless otherwise dictated by differing nutritional requirements related to the child's age, medical condition, or religious beliefs.

~~(63)~~ A foster parent shall ensure that refrigeration is used for perishable foods.

~~(74)~~ **If milk is being provided to foster children,** Aa foster parent ~~shall~~ **may** only serve pasteurized milk products to foster children.

R 400.9419 Recreation.

Rule 419. A foster parent ~~shall~~ **must** provide opportunities for, and encourage a foster child to participate in, a variety of indoor and outdoor recreational activities that are appropriate for the child's age and ability.

R 400.9420 Transportation.

Rule 420. (1) All transportation ~~shall~~ **must** be done in a safe, responsible manner.

(2) A foster parent shall ensure that the transportation of the foster child, foster parents, and members of the household is conducted as required by state laws regarding transportation in a motor vehicle.

PART 5. REPORTING AND RECORDKEEPING

R 400.9501 Reporting suspected child abuse or neglect.

Rule 501. (1) A foster parent who has reasonable cause to suspect ~~physical or sexual~~ abuse or neglect of a child ~~shall~~ **must** make a report immediately to the child protective services central intake unit of the department. ~~of human services, or a law enforcement agency.~~

(2) If the suspected ~~physical or sexual~~ abuse or neglect occurred in the foster home or to a foster child placed in the foster home, then a foster parent ~~shall~~ **must** make a report immediately to both of the following entities:

(a) The child protective services central intake unit of the department ~~of health and human services.~~

(b) The agency.

(3) The foster parent shall provide a written report as required by **section 3 of the child protection law, 1975 PA 238, MCL 722.621 to 722.638 722.623.**

R 400.9502 Reporting foster home changes.

Rule 502. A foster parent shall report to the agency any significant changes in the foster home by the next ~~working~~ **business** day from the time a foster parent knows of a change, including any of the following ~~changes~~:

~~(a) A change of employment status of a foster parent.~~

~~(ba)~~ Serious illness, injury, or death of a foster parent. ~~or a member of the household.~~

~~(eb)~~ Changes in household composition.

~~(dc)~~ Arrests and criminal convictions of a foster parent or member of the household.

~~(ed)~~ Court-supervised parole or probation of a foster parent or member of the household.

~~(fe)~~ Admission to, or release from, a correctional facility, ~~a facility~~, a hospital, or an institution for the treatment of an emotional, mental, or substance abuse problem of a foster parent or member of the household.

~~(gf)~~ **Counseling Assessment**, treatment, or therapy on an outpatient basis for an emotional, mental, or substance abuse ~~problem~~ **disorder** of a foster parent or member of the household.

~~(hg)~~ Any revocation or modification of a driver's license.

~~(ih)~~ Any major changes or renovations to the structure of the foster home.

R 400.9503 License application filing; agency notification.

Rule 503. (1) A foster parent shall notify the agency within 5 calendar days after filing an application for an adult foster care family home license, a family child care home certificate of registration, or a group child care home license.

(2) If the foster home is licensed concurrently as an adult foster care family home or a child care group home or registered as a family child care home, the foster parent ~~shall~~ **must** notify the agency if there is a change in the terms of the adult foster care or child care license or registration.

R 400.9505 Confidentiality.

Rule 505. (1) A foster parent shall keep information ~~obtained~~, and records ~~maintained~~, **obtained** by the foster parent regarding a foster child and a foster child's parents and relatives confidential **under section 10(3) of the act, MCL 722.120.** ~~and shall release information only to a person authorized by the agency placing the child in the foster home.~~

(2) The requirements in subrule (1) of this rule ~~shall~~ **may** not prohibit a foster parent from communicating with ~~any person or organization that has a statutory privilege or~~ any person representing the foster parent in an **administrative or judicial proceeding involving the foster parent in licensing, Central Registry expunction, or any civil legal** ~~matter.~~

R 400.9506 Record management.

Rule 506. ~~(1) A foster parent shall maintain a record for each foster child in the home.~~

~~(2) The record shall contain all of the following current information:~~

~~(a) The child's name and date of birth.~~

~~(b) Any known history of abuse or neglect of the child.~~

~~(c) All known emotional and psychological problems of the child.~~

~~(d) All known behavioral problems of the child.~~

~~(e) Circumstances necessitating placement of the child.~~

~~(f) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family.~~

~~(g) Date of placement, date of termination of placement, and reasons for termination of placement.~~

~~(h) Name, address, and telephone number, including emergency telephone number, of the agency and the agency's social service worker who is currently assigned to the child.~~

~~(i) Name, address, and telephone number of the child's physician and dentist.~~

~~(j) Written consent authorizing the foster parent to obtain routine, non-surgical medical care and to authorize emergency medical and surgical treatment.~~

~~(k) A report of the child's medical history.~~

~~(l) Dates of, and reasons for, medical treatment of the foster child.~~

~~(m) Child's behavior management and discipline plan.~~

~~(31) A foster parent shall store and maintain each all records in a manner to prevent unauthorized access or return the documents to the agency~~ **received on behalf of the child.**

~~(42) When a foster child moves from the foster home, all records regarding that child shall~~ **must** be returned to the agency.

~~(53) Upon closure of the foster home license, all records provided by the child placing agency shall~~ **must** be returned to the agency.

NOTICE OF PUBLIC HEARING

Department of Health and Human Services
Children's Services Agency
Administrative Rules for Licensing Rules for Foster Family Homes and Foster Family Group Homes
Rule Set 2020-3 HS

NOTICE OF PUBLIC HEARING
Tuesday, October 12, 2021
12:00 PM

Grand Tower-Dempsey Room
235 S. Grand Avenue, First Floor, Lansing, MI 48933

The Department of Health and Human Services will hold a public hearing to receive public comments on proposed changes to the Licensing Rules for Foster Family Homes and Foster Family Group Homes rule set.

These rules address the licensing requirements for child placing agencies and foster family and group homes in the state. They provide the minimal standards for staff qualifications, licensing requirements of prospective foster parents and the foster homes, and requirements for LGBTQ youth placement. Further, there are conflicts within the child caring institution, child placing agencies, and foster family and group home rules that need to be amended for consistency for the contracted agencies providing services.

By authority conferred on the Director of Health and Human Services by section 2, 1973 PA 116, MCL 722.112 and E.O. No. 2015-4, MCL400.227.

The proposed rules will take effect 7 days after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 10/1/2021 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: MDHHS-AdminRules@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 10/15/2021 at 05:00PM.

Department of Health and Human Services
333 S. Grand Avenue, 5th Floor, Lansing, MI 48933

MDHHS-AdminRules@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 269-337-3744 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

~~DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH~~
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

ELECTRIC INTERCONNECTION AND NET METERING STANDARDS

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the public service commission by section 6 of 1909 PA 106, MCL 460.556, section 5 of 1919 PA 419, MCL 460.55, sections 4, 6, and 10e of 1939 PA 3, MCL 460.4, 460.6, and 460.10e, and section 173 of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1173)

R 460.601a, R 460.601b, R 460.602, R 460.604, R 460.606, R 460.608, R 460.610, R 460.612, R 460.615, R 460.618, R 460.620, R 460.622, R 460.624, R 460.626, R 460.628, R 460.640, R 460.642, R 460.644, R 460.646, R 460.648, R 460.650, R 460.652, R 460.654, and R 460.656 of the Michigan Administrative Code are rescinded, as follows:

~~PART 1. GENERAL PROVISIONS~~

~~R 460.601a-Definitions; A-I. Rescinded.~~

~~—Rule 1a. As used in these rules:~~

~~—(a) "Alternative electric supplier" means that term as defined in section 10g of 2000 PA 141, MCL 460.10g.~~

~~—(b) "Alternative electric supplier net metering program plan" means a document supplied by an alternative electric supplier that provides detailed information to an applicant about the alternative electric supplier's net metering program.~~

~~—(c) "Applicant" means the legally responsible person applying to an electric utility to interconnect a project with the electric utility's distribution system or a person applying for a net metering program. An applicant shall be a customer of an electric utility and may be a customer of an alternative electric supplier.~~

~~—(d) "Application review" means a review by the electric utility of the completed application for interconnection to determine if an engineering review is required.~~

~~—(e) "Area network" means a location on the distribution system served by multiple transformers interconnected in an electrical network circuit.~~

~~—(f) "Category 1" means an inverter based project of 20 kW or less that uses equipment certified by a nationally recognized testing laboratory to IEEE 1547.1 testing standards and in compliance with UL 1741 scope 1.1A.~~

~~—(g) "Category 2" means a project of greater than 20 kW and not more than 150 kW.~~

- ~~—(h) "Category 3" means a project of greater than 150 kW and not more than 550 kW.~~
- ~~—(i) "Category 4" means a project of greater than 550 kW and not more than 2 MW.~~
- ~~—(j) "Category 5" means a project of greater than 2 MW.~~
- ~~—(k) "Certified equipment" means a generating, control, or protective system that has been certified as meeting acceptable safety and reliability standards by a nationally recognized testing laboratory in conformance with UL 1741.~~
- ~~—(l) "Commission" means the Michigan public service commission.~~
- ~~—(m) "Commissioning test" means the procedure, performed in compliance with IEEE 1547.1, for documenting and verifying the performance of a project to confirm that the project operates in conformity with its design specifications.~~
- ~~—(n) "Customer" means a person who receives electric service from an electric utility's distribution system or a person who participates in a net metering program through an alternative electric supplier or electric utility.~~
- ~~—(o) "Customer-generator" means a person that uses a project on-site that is interconnected to an electric utility distribution system.~~
- ~~—(p) "Distribution system" means the structures, equipment, and facilities operated by an electric utility to deliver electricity to end users, not including transmission facilities that are subject to the jurisdiction of the federal energy regulatory commission.~~
- ~~—(q) "Distribution system study" means a study to determine if a distribution system upgrade is needed to accommodate the proposed project and to determine the cost of an upgrade if required.~~
- ~~—(r) "Electric provider" means any person or entity whose rates are regulated by the commission for selling electricity to retail customers in this state.~~
- ~~—(s) "Electric utility" means as that term is defined in section 2 of 1995 PA 30, MCL 460.562.~~
- ~~—(t) "Eligible electric generator" means a methane digester or renewable energy system with a generation capacity limited to the customer's electric need and that does not exceed the following:~~
 - ~~—(i) 150 kW of aggregate generation at a single site for a renewable energy system.~~
 - ~~—(ii) 550 kW of aggregate generation at a single site for a methane digester.~~
- ~~—(u) "Engineering review" means a study to determine the suitability of the interconnection equipment including any safety and reliability complications arising from equipment saturation, multiple technologies, and proximity to synchronous motor loads.~~
- ~~—(v) "Full retail rate" means the power supply and distribution components of the cost of electric service. Full retail rate does not include a system access charge, service charge, or other charge that is assessed on a per meter basis.~~
- ~~—(w) "IEEE" means institute of electrical and electronics engineers.~~
- ~~—(x) "IEEE 1547" means IEEE "Standard for Interconnecting Distributed Resources with Electric Power Systems."~~
- ~~—(y) "IEEE 1547.1" means IEEE "Standard Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems."~~
- ~~—(z) "Interconnection" means the process undertaken by an electric utility to construct the electrical facilities necessary to connect a project with a distribution system so that parallel operation can occur.~~
- ~~—(aa) "Interconnection procedures" mean the requirements that govern project interconnection adopted by each electric utility and approved by the commission.~~

R 460.601b Definitions; J-Z. Rescinded.

- ~~—Rule 1b. As used in these rules~~
- ~~—(a) "kW" means kilowatt.~~
- ~~—(b) "kWh" means kilowatt hours.~~

- ~~—(c) "Material modification" means a modification that changes the maximum electrical output of a project or changes the interconnection equipment, including either of the following:~~
- ~~—(i) Changing from certified to noncertified equipment.~~
- ~~—(ii) Replacing a component with a component of different functionality or UL listing.~~
- ~~—(d) "Methane digester" means a renewable energy system that uses animal or agricultural waste for the production of fuel gas that can be burned for the generation of electricity or steam.~~
- ~~—(e) "Modified net metering" means a utility billing method that applies the power supply component of the full retail rate to the net of the bidirectional flow of kWh across the customer interconnection with the utility distribution system during a billing period or time of use pricing period.~~
- ~~—(f) "MW" means megawatt.~~
- ~~—(g) "Nationally recognized testing laboratory" means any testing laboratory recognized by the accreditation program of the U.S. department of labor occupational safety and health administration.~~
- ~~—(h) "Parallel operation" means the operation, for longer than 100 milliseconds, of a project while connected to the energized distribution system.~~
- ~~—(i) "Project" means electric generating equipment and associated facilities that are not owned or operated by an electric utility.~~
- ~~—(j) "Renewable energy credit" means a credit granted pursuant to the commission's renewable energy credit certification and tracking program in section 41 of 2008 PA 295, MCL 460.1041.~~
- ~~—(k) "Renewable energy resource" means that term as defined in section 11(i) of 2008 PA 295, MCL 460.1011(i).~~
- ~~—(l) "Renewable energy system" means that term as defined in section 11(k) of 2008 PA 295, MCL 460.1011(k).~~
- ~~—(m) "Spot network" means a location on the distribution system that uses 2 or more inter-tied transformers to supply an electrical network circuit.~~
- ~~—(n) "True net metering" means a utility billing method that applies the full retail rate to the net of the bidirectional flow of kW hours across the customer interconnection with the utility distribution system, during a billing period or time of use pricing period.~~
- ~~—(o) "UL" means underwriters laboratory.~~
- ~~—(p) "UL 1741" means the "Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources."~~
- ~~—(q) "UL 1741 scope 1.1A" means paragraph 1.1A contained in chapter 1, section 1 of UL 1741.~~
- ~~—(r) "Uniform interconnection application form" means the standard application forms, approved by the commission under R 460.615, to be used for category 1, category 2, category 3, category 4, and category 5 projects.~~
- ~~—(s) "Uniform interconnection agreement" means the standard interconnection agreements, approved by the commission under R 460.615 and used for all category 1, category 2, category 3, category 4, and category 5 projects.~~
- ~~—(t) "Uniform net metering application" means the net metering application form approved by the commission under R 460.642 and used by all electric utilities and alternative electric suppliers.~~
- ~~—(u) "Working days" means days excluding Saturdays, Sundays, and other days when the offices of the electric utility are not open to the public.~~

R 460.602 Adoption of standards by reference. Rescinded.

- ~~—Rule 2. (1) The standards specified in these rules are adopted in these rules by reference.~~
- ~~—(a) UL 1741 Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources, November 7, 2005 revision, is available from COMM 2000, 1414 Brook Drive, Downers Grove, IL 60515, USA, telephone number: 1 888 853-~~

~~3503 or via the internet website: www.comm 2000.com at a cost of \$385.00 at the time of adoption of these rules.~~

~~—(b) The following standards are available from IEEE by telephone at 1 800 678 4333 or from the internet website www.standards.ieee.org.~~

~~—(i) The IEEE 1547, IEEE Standard for Interconnecting Distributed Resources with Electric Power Systems, 1/1/2003, is available at a cost of \$70.00 at the time of adoption of these rules.~~

~~—(ii) The IEEE 1547.1, IEEE Standard Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems, 1/1/2005, is available at a cost of \$55.00 at the time of adoption of these rules.~~

~~—(2) The standards specified in subrule (1) of this rule are also available for inspection and distribution at cost plus \$25.00 shipping and handling from the Public Service Commission at 6545 Mercantile Way, Suite 7 Lansing, MI 48911.~~

R 460.604 Prohibited practices. Rescinded.

~~—Rule 4. (1) An electric provider shall not charge an applicant or customer generator any fee or charge or require additional equipment, insurance, or any other requirement not specifically authorized by the interconnection standards in Part 2 of these rules or under the net metering standards in Part 3 of these rules, unless the fee, charge or other requirement would apply to other similarly situated customers who are not customer generators.~~

~~—(2) An electric provider or alternative electric supplier shall provide to net metering customers electric service at nondiscriminatory rates that are identical, with respect to rate structure, retail rate components and any monthly charges, to the rates that the net metering customer would be charged if the net metering customer were not participating in the net metering program.~~

R 460.606 Designated points of contact. Rescinded.

~~—Rule 6. (1) Within 30 days of the effective date of these rules, each electric utility shall designate and maintain an initial point of contact for all customer inquiries related to interconnection and net metering from which interested parties may obtain information about interconnection and net metering procedures and applications and agreement forms.~~

~~—(2) Within 30 days of the effective date of these rules, each alternative electric supplier shall designate 1 initial point of contact for all customer inquiries related to net metering from which interested parties may obtain information about net metering programs, applications, and processing. Each electric utility and alternative electric supplier shall have current information concerning its initial point of contact on file with the commission.~~

~~—(3) Each electric utility shall designate and maintain a point of contact for each applicant to address applicant inquiries about technical issues or interconnection status that may arise during the interconnection process.~~

~~—(4) Each interconnection applicant or net metering customer shall designate a point of contact with sufficient technical expertise to address any questions regarding a proposed interconnection or net metering application.~~

R 460.608 Alternative dispute resolution. Rescinded.

~~—Rule 8. (1) If there is a dispute between an interconnection applicant and an electric utility or between a net metering applicant and an electric utility or alternative electric supplier, and with consent of all parties, the parties shall attempt alternative means of resolving the dispute.~~

~~—(2) Any alternative means that will result in a settlement may be used including, but not limited to, settlement conferences, mediation, and other informal dispute resolution methods.~~

~~—(3) If a party is dissatisfied with a recommended settlement resulting from the alternative dispute resolution process, the party may file a complaint with the commission as provided under R 460.17101 to R 460.17701.~~

R 460.610 Appointment of experts. Rescinded.

~~—Rule 10. (1) If a complaint is filed against an electric utility regarding a technical issue, the commission may appoint from 1 to 3 independent experts to investigate the complaint and report findings to the commission.~~

~~—(2) The experts shall submit a report to the commission with the results and conclusions of their inquiry and may suggest corrective measures for resolving the complaint. The reports of the experts shall be received in evidence and the experts shall be made available for cross examination by the parties at any hearing.~~

~~—(3) The reasonable expenses of experts, including a reasonable hourly fee or fee determined by the commission, shall be submitted to the commission for approval and, if approved, shall be funded under subrule (4) of this rule.~~

~~—(4) The electric utility or alternative electric supplier shall reimburse the experts appointed by the commission for the reasonable expenses incurred in the course of investigating the complaint.~~

R 460.612 Waivers. Rescinded.

~~—Rule 12. An electric utility, alternative electric supplier, or applicant may apply for a waiver from 1 or more provisions of these rules. The commission may grant a waiver upon a showing of good cause and a finding that the waiver is in the public interest.~~

PART 2. INTERCONNECTION STANDARDS

R 460.615 Electric utility interconnection procedures. Rescinded.

~~—Rule 15. (1) Each electric utility shall file applications for approval of proposed interconnection procedures and forms within 90 days of the effective date of these rules or by August 3, 2009, whichever date is sooner. Two or more electric utilities may file a joint application proposing interconnection procedures for use by the joint applicants. All procedures and forms shall be written in plain English.~~

~~—(2) The application for interconnection of a category 1 project shall contain all of the following:~~

~~—(a) A description of the proposed procedure for an applicant to apply for interconnection of a category 1 project.~~

~~—(b) A uniform interconnection application form for category 1 projects.~~

~~—(c) A uniform interconnection agreement for category 1 projects.~~

~~—(3) The application for interconnection of category 2 to category 5 projects shall contain all of the following:~~

~~—(a) Uniform interconnection application forms for each of category 2 to category 5 projects.~~

~~—(b) Uniform interconnection agreements for each of category 2 to category 5 projects.~~

~~—(c) A description of the steps for processing an application for category 2 to category 5 projects that complies with R 460.620.~~

~~—(d) Specific technical, engineering, and operational requirements that are suitable for the electric utility's distribution system.~~

~~—(e) A schedule of application review fees, engineering review fees, distribution system study fees, and testing and site inspection fees that conforms to R 460.618(1).~~

~~—(f) A timeline for notifications as required under R 460.620.~~

- ~~—(4) The interconnection procedures shall include all of the following, if applicable:~~
- ~~—(a) For projects interconnecting to a spot network circuit where the project or aggregate of total generation exceeds 5 percent of the spot network's maximum load, a requirement that the project must utilize a protective scheme that will ensure that its current flow will not affect the network protective devices, including reverse power relays or a comparable function.~~
- ~~—(b) For projects that use inverter based protective functions for an interconnection to an area network, a requirement that the project, in aggregate with other projects interconnected on the load side of network protective devices, shall not exceed the lesser of 10 percent of the minimum annual load on the network or 500 kW. For a photovoltaic project without batteries, the 10 percent minimum shall be determined as a function of the minimum load occurring during an off peak daylight period.~~
- ~~—(c) For projects interconnecting to area networks that do not use inverter based protective functions or inverter based projects that do not meet the requirements of subrule 4(b) of this rule, a requirement that the project use reverse power relays or other protection devices or methods that ensure no export of power from the customer's site including any inadvertent export (e.g. under fault conditions) that could adversely affect protective devices on the network circuit.~~
- ~~—(5) The proposed procedures shall ensure all of the following:~~
- ~~—(i) Consistency with generally accepted industry practices and guidelines.~~
- ~~—(ii) Reliability of electric service and safety of customers, utility employees, and the general public.~~
- ~~—(iii) Suitability for the size and capacity of a project as it affects the technical and engineering complexity of the interconnection.~~
- ~~—(iv) Compliance with these rules.~~
- ~~—(6) The proposed interconnection procedures may include an informal process for obtaining a waiver to technical requirements described in the interconnection procedures for a specific project provided compliance with these rules is ensured.~~
- ~~—(7) The Commission shall provide a 30 day period for comment before approving the applications for interconnection procedures.~~

R 460.618 Interconnection fees. Rescinded.

~~—Rule 18. (1) Interconnection application and engineering review, distribution study, distribution upgrade, and testing and inspection fees shall not exceed the following amounts for projects that that do not participate in the net metering program:~~

-	Application review	Engineering review	Distribution study	Distribution upgrades	Testing & inspection
Category 1	\$75	\$0	\$0	\$0	\$0
Category 2	\$100	\$0	Actual or maximum approved by commission	Actual or maximum approved by commission	Actual or maximum approved by commission
Category 3	\$150	\$0	Actual or maximum approved by commission	Actual or maximum approved by commission	Actual or maximum approved by commission
					-

Category 4	\$250	Actual—or maximum approved by commission	Actual—or maximum approved by commission	Actual—or maximum approved by commission	Actual—or maximum approved by commission
Category 5	\$500	Actual—or maximum approved by commission	Actual—or maximum approved by commission	Actual—or maximum approved by commission	Actual—or maximum approved by commission

~~—(2) Net metering application fees for category 1 to category 3 projects that participate in the net metering program shall not exceed \$25. Interconnection application and engineering review, distribution study, distribution upgrade, and testing and inspection fees shall not exceed the following amounts for projects that participate in the net metering program:~~

-	Application review	Engineering review	Distribution study	Distribution upgrades	Testing & inspection
Category 1	\$75	\$0	\$0	\$0	\$0
Category 2	\$75	\$0	Actual—or maximum approved by commission	Actual—or maximum approved by commission	\$0
Category 3	\$75	\$0	Actual—or maximum approved by commission	Actual—or maximum approved by commission	\$0

R 460.620 Application and interconnection process. Rescinded.

~~—Rule 20. (1) If requested by the applicant before or during the application process, an electric utility shall provide up to 2 hours of technical consultation at no additional cost to the applicant. Consultation may be limited to providing information concerning the utility system operating characteristics and location of system components.~~

~~—(2) For category 2 and category 3 project applications, the applicant shall provide a one-line diagram that is signed and sealed by a licensed professional engineer, licensed in the State of Michigan or by an electrical contractor licensed by the state of Michigan with the electrical contractor's license number noted on the diagram.~~

~~—(3) For category 4 and category 5 project applications, the applicant shall provide a one-line diagram that is sealed by a professional engineer licensed by the state of Michigan.~~

~~—(4) Within 10 working days of receiving a new or revised interconnection application, the electric utility shall notify the applicant whether the interconnection application is complete. If the application is incomplete, the electric utility shall advise the applicant of the deficiency.~~

~~—(5) Within 10 working days of determining that an application is complete, the electric utility shall complete its application review. For category 1 projects or if the application review shows that an~~

~~engineering review is not required, the interconnection process shall proceed to subrule (11) of this rule. If the electric utility determines that an engineering review is required, it shall notify the applicant of the need for and cost of that review except for projects that are exempt for engineering review costs under R 460.618. An applicant shall have 6 months in which to request, in writing, that the utility proceed with an engineering review at the cost indicated. The applicant shall provide any changes or updates to the application before the engineering review begins.~~

~~—(6) Upon receiving applicant's written notification to proceed with the engineering review and applicable payment, the electric utility shall complete an engineering review and notify the applicant of the results within the following time periods:~~

~~—(a) Category 2 applications, 10 working days.~~

~~—(b) Category 3 application, 15 working days.~~

~~—(c) Category 4 application, 25 working days.~~

~~—(d) Category 5 application, 45 working days.~~

~~—(7) If the engineering review indicates that a distribution system study is necessary, the electric utility shall provide, in writing, the cost of the study in its engineering review findings, except for projects that are exempt from distribution study costs under R 460.618. The utility shall also provide the applicant with a list of distribution system upgrades that may be required for interconnection with an estimated cost of each system component if such information is reasonably ascertainable upon completion of the engineering study. This estimate shall be provided to assist the applicant in determining whether to proceed with the project and the utility shall not be bound by the estimate. The distribution system study cost is valid for 6 months and the applicant shall have 6 months from receipt of the engineering review findings in which to notify the electric utility to proceed with the distribution system study. Upon receiving written notification to proceed and payment of the applicable fee, the electric utility shall conduct the distribution system study.~~

~~—(8) The electric utility shall complete the distribution system study and provide study results to the applicant within the following time periods:~~

~~—(a) Category 2 applications, 10 working days.~~

~~—(b) Category 3 application, 15 working days.~~

~~—(c) Category 4 application, 45 working days unless a different time period is mutually agreed upon.~~

~~—(d) Category 5 application, 60 working days unless a different time period is mutually agreed upon.~~

~~—(9) The electric utility shall notify the applicant of its completed distribution system study findings along with any distribution system construction or modification costs to be paid by the applicant. The cost may include a contingency fee of not more than 10%. Any payment made in excess of actual costs shall be refunded to the applicant.~~

~~—(10) If the applicant agrees, in writing, to pay the cost identified in subrule (9) of this rule, the electric utility shall complete the distribution system upgrades and the applicant shall pay for the upgrades and install the project within a mutually agreed upon time period.~~

~~—(11) The applicant shall notify the electric utility when an installation and any required local code inspection and approval is complete and provide an opportunity for the electric utility to schedule a site visit to witness or perform commissioning tests required by IEEE 1547.1 and inspect the project. The electric utility may provide a written waiver of its right to visit the site to inspect the project and witness or perform the commissioning tests. The utility shall notify the applicant of its intent to visit the site, inspect the project, witness or perform the commissioning tests, or of its intent to waive inspection within 10 working days after notification that the installation and inspections are complete.~~

~~—(12) Within 5 working days of the receipt of the completed commissioning test report, the electric utility shall notify the applicant of its acceptance of the commissioning test report and shall notify the applicant of its approval or disapproval of the interconnection. If approved, the electric utility~~

~~shall also provide to the applicant a written statement of final approval, cost reconciliation, and an interconnection agreement. The applicant shall sign and return the interconnection agreement to the electric utility before beginning parallel operation. If the electric utility does not approve the interconnection, the electric utility shall notify the applicant of the necessary corrective actions required for approval. The applicant, after taking corrective action, may request the electric utility to reconsider the interconnection request.~~

~~—(13) An applicant for interconnection who receives generation service from an alternative electric supplier and who intends to participate in the alternative electric supplier's net metering program shall provide a copy of the complete interconnection application with the applicant's net metering application to the alternative electric supplier. The alternative electric supplier shall notify the applicant within 10 business days whether the applicant is accepted into the alternative electric supplier's net metering program.~~

R 460.622 Modifications to project. Rescinded.

~~—Rule 22. The applicant shall notify the electric utility of plans for any material modification to the project. The applicant shall provide this notification by submitting a revised uniform application form and application fee along with all supporting materials that are reasonably requested by the electric utility. The applicant may not begin any material modification to the project until the electric utility has approved the revised application, including any necessary engineering review or distribution system study. The application shall be processed in accordance with R 460.620.~~

R 460.624 Insurance. Rescinded.

~~—Rule 24. (1) An applicant interconnecting a category 1 or category 2 project to the distribution system of an electric utility shall not be required by the utility to obtain any additional liability insurance.~~

~~—(2) An electric utility shall not require an applicant interconnecting a category 1 or category 2 project to name the utility as an additional insured party.~~

~~—(3) For category 3 to category 5 projects, the applicant shall obtain and maintain general liability insurance of a minimum of \$1,000,000.~~

R 460.626 Disconnection. Rescinded.

~~—Rule 26. An electric utility may refuse to connect or may disconnect a project from the distribution system if any of the following conditions apply:~~

~~—(a) Lack of a fully executed interconnection agreement.~~

~~—(b) Termination of interconnection by mutual agreement.~~

~~—(c) Noncompliance with technical or contractual requirements in the interconnection agreement after notice is provided to the applicant of the technical or contractual deficiency.~~

~~—(d) Distribution system emergency.~~

~~—(e) Routine maintenance, repairs, and modifications, but only for a reasonable length of time necessary to perform the required work and upon reasonable notice.~~

R 460.628 Easements and rights of way. Rescinded.

~~—Rule 28. If an electric utility line extension is required to accommodate an interconnection, the applicant is responsible for the cost of providing or obtaining easements or rights of way.~~

PART 3. NET METERING STANDARDS

R 460.640 Application process. Rescinded.

- ~~—Rule 40. (1) Each electric provider shall file initial net metering program tariff sheets within 30 days of the effective date of these rules or by June 30, 2009, whichever date is sooner.~~
- ~~—(2) Each alternative electric supplier shall file an alternative electric supplier net metering program plan within 30 days of the effective date of these rules or by June 30, 2009, whichever date is sooner.~~
- ~~—(3) Electric providers and alternative electric suppliers shall file annual net metering program reports in a form to be determined by the commission, not later than March 31 of each year.~~
- ~~—(4) Each electric provider shall maintain records of all applications and up-to-date records of all active eligible electric generators located within its service area. Each alternative electric supplier shall maintain records of all applications and up-to-date records of all eligible electric generators participating in its net metering program.~~
- ~~—(5) Selection of customers for participation in the net metering program shall be based on the order in which the applications for the net metering program are received by the electric provider or alternative electric supplier.~~
- ~~—(6) An electric provider or alternative electric supplier shall not refuse to provide or discontinue electric service to a customer solely for the reason that the customer participates in the net metering program.~~
- ~~—(7) Net metering programs provided by electric providers and alternative electric suppliers shall limit each applicant to generation capacity designed to meet the customer's electric needs.~~
- ~~—(a) At the customer's option, the generation capacity shall be determined by 1 of the following methods:~~
 - ~~—(i) Aggregate nameplate capacity of the generator(s).~~
 - ~~—(ii) An estimate of the expected annual kWh output of the generator(s) determined in a manner approved by the commission and specified on the electric provider's net metering tariff sheet or in the alternative electric supplier's net metering program plan.~~
- ~~—(b) At the customer's option, the customer's electric needs shall be determined by 1 of the following methods:~~
 - ~~—(i) The customer's annual energy usage, measured in kWh, during the previous 12-month period.~~
 - ~~—(ii) For a customer with metered demand data available, the maximum integrated hourly demand measured in kW during the previous 12-month period.~~
 - ~~—(iii) In cases where there is no data, incomplete data, or incorrect data for the customer's energy usage or the customer is making changes on site that will affect total usage, the electric provider or alternative electric supplier and the customer shall mutually agree on a method to determine the customer's electric needs.~~

R 460.642 Net metering application and fees. Rescinded.

- ~~—Rule 42. (1) A uniform net metering application form and process shall be used by all electric providers and alternative electric suppliers. The uniform net metering application form shall be approved by the commission.~~
- ~~—(2) Net metering application processing for electric providers shall be conducted in the following manner:~~
 - ~~—(a) An applicant applying for net metering shall at the same time apply for an electric provider interconnection or shall indicate on the net metering application that the applicant has applied for interconnection with the electric provider.~~
 - ~~—(b) If an applicant has an executed interconnection agreement at the time of filing the net metering application, the electric provider shall have 10 working days to complete its review of the net~~

~~metering application. All other net metering applications shall be processed within 10 days after the applicant's interconnection agreement is executed.~~

~~—(c) As part of the review, the electric provider shall determine whether the appropriate meter(s) are installed for net metering.~~

~~—(d) After completing the review, the electric provider shall notify the customer whether the net metering application is approved or disapproved.~~

~~—(e) If an applicant approved for net metering requires new or additional meters, the electric provider shall make arrangements with the customer to install the meters at a mutually agreed upon time.~~

~~—(f) Within 10 working days after the necessary meters are installed, the electric provider shall complete changes to the applicant's account to permit net metering credit to be applied to the account.~~

~~—(3) Net metering application processing for alternative electric suppliers shall be conducted in the following manner:~~

~~—(a) A customer receiving retail electric service from an alternative electric supplier shall submit the completed net metering application form to the alternative electric supplier and a copy of the form to the electric provider that provides distribution services.~~

~~—(b) Within the time periods in subrule (2) of this rule, the electric provider shall determine whether the appropriate meter(s) are installed for net metering and, if necessary, contact the customer to arrange for meter installation.~~

~~—(c) The electric provider shall notify the alternative electric supplier when the interconnection agreement for the eligible generator is executed and installation of the appropriate meter(s) is completed.~~

~~—(d) Within 10 working days of notification, the alternative electric supplier shall complete changes to the applicant's account to permit net metering credit to be applied to the account.~~

~~—(4) If a net metering application is disapproved, the electric provider or alternative electric supplier shall notify the customer of the reasons for the disapproval. The customer shall have an opportunity to correct the net metering application. If the application is withdrawn by the customer, the electric provider or alternative electric supplier shall refund the net metering application fee to the customer.~~

~~—(5) Customers participating in the net metering program under the commission's March 29, 2005 order in case no. U 14346 shall be transferred to the statewide net metering program established under these rules within 30 days of commission approval of the electric provider's net metering tariff. Any remaining net excess generation credits shall be credited to the customer in accordance with R 460.652. Additional application, interconnection, installation fees, or system requirements are waived for customers who transfer to the net metering program authorized by these rules.~~

~~—(6) The net metering application fee for electric providers and alternative electric suppliers shall not exceed \$25. The fee shall be specified on the electric provider's net metering tariff sheet or in the alternative electric supplier's net metering program plan. The combined total of net metering application fees and interconnection application review fees shall not exceed \$100.~~

R 460.644 Net metering program size. Rescinded.

~~—Rule 44. If an electric provider or alternative electric supplier reaches the net metering program size limits in section 173(2) of 2008 PA 295, MCL 460.1173(2), the electric provider or alternative electric supplier shall provide notice to the commission and to all customers that its net metering program is closed and that no new applications will be accepted. All completed applications that are pending at the time the net metering program closes shall be processed and the applicants shall be allowed to participate in the net metering program.~~

R 460.646 Generation and net metering equipment. Rescinded.

~~—Rule 46. (1) New generation and net metering equipment and its installation must meet all current local and state electric and construction code requirements. Any equipment that is certified by a~~

~~nationally recognized testing laboratory to IEEE 1547.1 testing standards and in compliance with UL 1741 scope 1.1A and installed in compliance with this part is considered eligible equipment. Within the time provided by the commission in R 460.620 and consistent with good provider practice, protection of electric provider workers, protection of electric provider equipment, and protection of the general public, an electric provider may study, confirm, and ensure that an eligible electric generator installation at the customer's site meets the IEEE 1547 anti-islanding requirements.~~

~~—(2) Customers with executed interconnection agreements on the effective date of these rules shall be considered eligible generators provided the customer's project complies with R 460.601a(t) and R 460.640(7).~~

R 460.648 Meters. Rescinded.

~~—Rule 48. (1) For a customer with a generation system capable of generating 20 kW or less, the provider may determine the customer's net usage using the customer's existing meter if it is capable of reverse registration or may install a single meter with separate registers measuring power flow in each direction. If the provider uses the customer's existing meter, the provider shall test and calibrate the meter to assure accuracy in both directions. If the customer's meter is not capable of reverse registration and if meter upgrades or modifications are required, the following apply:~~

~~—(a) An electric provider serving over 1,000,000 customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions at no additional charge to the net metering customer. The cost of the meter(s) or meter modification shall be considered a cost of operating the net metering program.~~

~~—(b) An electric provider serving fewer than 1,000,000 customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions to customers at cost. Only the incremental cost above that for meter(s) provided by the electric provider to similarly situated nongenerating customers shall be paid by the eligible customer.~~

~~—(c) An electric provider shall provide a generator meter, if requested by the customer, at cost.~~

~~—(2) For a customer with a generation system capable of generating more than 20 kW and up to 150 kW, the provider shall utilize a meter or meters capable of measuring the flow of energy in both directions and the generator output. If meter upgrades are necessary to provide such functionality, the following applies:~~

~~—(a) An electric provider serving over 1,000,000 customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions at no additional charge to a net metering customer. If the provider provides the upgraded meter(s) at no additional charge to the customer, the cost of the meter(s) shall be considered a cost of operating the net metering program.~~

~~—(b) An electric provider serving fewer than 1,000,000 customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions to customers at cost. Only the incremental cost above that for meters provided by the electric provider to similarly situated nongenerating customers shall be paid by the eligible customer.~~

~~—(c) An electric provider shall provide a generator meter. The cost of the meter shall be considered a cost of operating a net metering program.~~

~~—(3) For a customer with a generation system capable of generating more than 150 kW, the provider shall utilize a meter or meters capable of measuring the flow of energy in both directions and the generator output. If meter upgrades are necessary to provide such functionality the customer shall pay the cost of providing any new meters.~~

~~—(4) An electric provider deploying advanced metering infrastructure shall not charge the cost of advanced meters to a net metering customer or the net metering program.~~

R 460.650 Billing and credit for true net metering customers. Rescinded.

~~—Rule 50. (1) Net metering customers with a system capable of generating 20 kW or less shall qualify for true net metering. For customers who qualify for true net metering, the net of the bidirectional flow of kWh across the customer interconnection with the utility distribution system during the billing period or during each time-of-use pricing period within the billing period, including excess generation, shall be credited at the full retail rate.~~

~~—(2) The credit for excess generation, if any, shall appear on the next bill. Any excess credit not used to offset current charges shall be carried forward for use in subsequent billing periods.~~

~~—(3) If a customer leaves the provider's system or service is terminated for any reason, an electric provider or alternative electric supplier shall refund to the customer the remaining credit amount.~~

R 460.652 Billing and credit for modified net metering customers. Rescinded.

~~—Rule 52. (1) Net metering customers with a system capable of generating more than 20 kW qualify for modified net metering. For customers who qualify for modified net metering, a negative net metered quantity during the billing period or during each time-of-use pricing period within the billing period reflects net excess generation for which the customer is entitled to receive credit. Standby charges for modified net metering customers on an energy rate schedule shall equal the retail distribution charge applied to the imputed customer usage during the billing period. The imputed customer usage is calculated as the sum of the metered on-site generation and the net of the bidirectional flow of power across the customer interconnection during the billing period. The commission shall establish standby charges for modified net metering customers on demand-based rate schedules that provide an equivalent contribution to provider system costs. Standby charges shall not be applied to customers with systems capable of generating 150 kW or less.~~

~~—(2) The credit for excess generation shall appear on the next bill. Any excess kWh not used to offset current charges shall be carried forward for use in subsequent billing periods.~~

~~—(3) A customer qualifying for modified net metering shall not have net metering credits applied to distribution charges.~~

~~—(4) If a customer leaves the provider's system or service is terminated for any reason, an electric provider or alternative electric supplier shall refund to the customer the remaining credit amount.~~

~~—(5) The credit per kWh for kWh delivered into the provider's distribution system shall be 1 of the following as determined by the commission:~~

~~—(a) The monthly average real-time locational marginal price for energy at the commercial pricing node within the electric provider's distribution service territory, or for a net metering customer on a time-based rate schedule, the monthly average real-time locational marginal price for energy at the commercial pricing node within the electric provider's distribution service territory during the time-of-use pricing period.~~

~~—(b) The electric provider or alternative electric supplier's power supply component of the full retail rate during the billing period or time-of-use pricing period.~~

R 460.654 Renewable energy credits. Rescinded.

~~—Rule 54. (1) An eligible electric generator shall own any renewable energy credits granted for electricity generated under the net metering program.~~

~~—(2) An electric provider may purchase or trade renewable energy certificates from a net metering customer if agreed to by the net metering customer.~~

~~—(3) The commission may develop a program for aggregating renewable energy certificates from net metering customers.~~

R 460.656 Penalties. Rescinded.

~~Rule 56. Upon a complaint or on the commission's own motion, if the commission finds after notice and hearing that an electric provider has not complied with a provision or order issued under part 5 of 2008 PA 295, the commission shall order remedies and penalties as necessary to make whole a customer or other person who has suffered damages as a result of the violation.~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Public Service Commission
Administrative Rules for Electric Interconnection and Net Metering Standards
Rule Set 2020-95 LR

NOTICE OF PUBLIC HEARING
Wednesday, October 20, 2021
09:00 AM

Lake Michigan Hearing Room, or: The public hearing will be held in person, and will also be held virtually via Microsoft Teams. Any person may attend and participate in this hearing by visiting the following web link or by dialing the number below at the time of the hearing. WebLink: https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%20%2Fmeetup-join%2F19%3Ameeting_NTRIYjExZTEtMzYxMi00MTE1LTk4ODktYzIyMzZkZDM4ODQ2%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522d5fb7087-3777-42ad-966a-892ef47225d1%2522%252c%2522Oid%2522%253a%252280e1c56f-c852-45fc-9643-7f8580ebe467%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=ad4b8229-8540-41e4-a239-bd7637cd0f7d&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true Or call in (audio only) +1 248-509-0316,,269161043# United States Phone Conference ID: 269 161 043# 7109W. Saginaw Hwy, Lansing MI 48917

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Electric Interconnection and Net Metering Standards rule set.

The Interconnection and Distributed Generation Standards are rules that detail how projects owned by customers, developers, and in some situations, the utility, connect to the utility distribution system. These rules provide a standardized process and schedule so that interconnections can be accommodated in an orderly and timely manner. The rules also ensure that interconnections are done reliably and safely, in order to protect workers, utility and third-party owned equipment, and the public. The Interconnection and Distributed Generation Standards are an update to the Electric Interconnection and Net Metering Standards necessitated by advances in distributed energy resource technology and an increase in distributed generation penetration on the distribution systems in Michigan. The Interconnection and Distributed Generation Standards are promulgated pursuant to the same authority as, and replace, the Electric Interconnection and Net Metering Standards, which will be rescinded concurrently with the approval of these rules.

By authority conferred upon the Commission by section 7(6) of 1909 PA 106, MCL 460.557(6); section 5 of 1919 PA 419, MCL 460.55; sections 4, 6(1), and 10e(3) of 1939 PA 3, MCL 460.4, 460.6(1); and 460.10e(3), and section 173(1) of 2008 PA 295, MCL 460.1173(1)). Section 173(1) of 2008 PA 295, as amended by 2016 PA 342, MCL 460.1173(1), provides: “The commission shall establish a distributed generation program by order issued not later than 90 days after the effective date of the 2016 act that amended this section. The commission may promulgate rules the commission considers necessary to implement this program. Any rules adopted regarding time limits for approval of parallel operation shall recognize reliability and safety complications including those arising from equipment saturation, use of multiple technologies, and proximity to synchronous motor loads. The program shall apply to all electric utilities whose rates are regulated by the commission and alternative electric suppliers in this state.” The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 10/1/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: mpscedockets@michigan.gov.

Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 11/1/2021 at 05:00PM.

Executive Secretary, Case No. U-20890, Michigan Public Service Commission P.O. Box 30221,
Lansing MI 48909

Email: mpscedockets@michigan.gov

Executive Secretary, Case No. U-20890, Michigan Public Service Commission P.O. Box 30221,
Lansing MI 48909

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-284-8090 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

INTERCONNECTION AND DISTRIBUTED GENERATION STANDARDS

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the public service commission by section 7 of 1909 PA 106, MCL 460.557, section 5 of 1919 PA 419, MCL 460.55, sections 4, 6, and 10e of 1939 PA 3, MCL 460.4, 460.6, and 460.10e, and section 173 of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1173)

R 460.901a, R 460.901b, R 460.902, R 460.904, R 460.906, R 460.908, R 460.910, R 460.911, R 460.914, R 460.916, R 460.918, R 460.920, R 460.922, R 460.924, R 460.926, R 460.928, R 460.930, R 460.932, R 460.934, R 460.936, R 460.938, R 460.940, R 460.942, R 460.944, R 460.946, R 460.948, R 460.950, R 460.952, R 460.954, R 460.956, R 460.958, R 460.960, R 460.962, R 460.964, R 460.966, R 460.968, R 460.970, R 460.974, R 460.976, R 460.978, R 460.980, R 460.982, R 460.984, R 460.986, R 460.988, R 460.990, R 460.991, R 460.992, R 460.1001, R 460.1004, R 460.1006, R 460.1008, R 460.1010, R 460.1012, R 460.1014, R 460.1016, R 460.1018, R 460.1020, R 460.1022, R 460.1024, and R 460.1026 are added to the Michigan Administrative Code, as follows:

PART 1. GENERAL PROVISIONS

R 460.901a Definitions; A-I.

Rule 1a. As used in these rules:

- (a) “AC” means alternating current at 60 Hertz.
- (b) “Affected system” means another electric utility’s distribution system, a municipal electric utility’s distribution system, the transmission system, or transmission system- connected generation which may be affected by the proposed interconnection.
- (c) “Affiliate” means that term as defined in R 460.10102(1)(a).
- (d) “Alternative electric supplier” means that term as defined in section 10g of 1939 PA 3, MCL 460.10g.
- (e) “Alternative electric supplier distributed generation program plan” means a document supplied by an alternative electric supplier that provides detailed information to an applicant about the alternative electric supplier’s distributed generation program.
- (f) “Alternative electric supplier legacy net metering program plan” means a document supplied by an alternative electric supplier that provides detailed information to an applicant about the alternative electric supplier’s legacy net metering program.

(g) “Applicant” means the person or entity submitting an interconnection application, a legacy net metering program application, or a distributed generation program application. An applicant is not required to be an existing customer of an electric utility. An electric utility is considered an applicant when it submits an interconnection application for a DER that is not a temporary DER.

(h) “Application” means an interconnection application, a legacy net metering program application, or a distributed generation program application.

(i) “Area network” means a location on the distribution system served by multiple transformers interconnected in an electrical network circuit.

(j) “Business day” means Monday through Friday, starting at 12:00:00 a.m. and ending at 11:59:59 p.m., excluding the following holidays: New Year’s Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve, Christmas Day, and New Year’s Eve. Election Day, the day after Thanksgiving, and any day that meets the criteria of catastrophic conditions as defined in R 460.702(f) may also be excluded.

(k) “Certified” means an inverter-based system has met acceptable safety and reliability standards by a nationally recognized testing laboratory in conformance with IEEE 1547.1-2020 and the UL 1741 2020 edition except that prior to January 1, 2022, inverter-based systems which conform to the UL 1741 January 28, 2010 edition are acceptable.

(l) “Commission” means the Michigan public service commission.

(m) “Commissioning test” means the test and verification procedure that is performed on a device or combination of devices forming a system to confirm that the device or system, as designed, delivered, and installed, meets the interconnection and interoperability requirements of IEEE 1547-2018. A commissioning test must include visual inspections and may include, as applicable, an operability and functional performance test and functional tests to verify interoperability of a combination of devices forming a system.

(n) “Conforming” means the information in an interconnection application is consistent with the general principles of distribution system operation and DER characteristics.

(o) “Construction agreement” means an agreement, pursuant to the interconnection standards superseded by R 460.901a to R 460.992, between an interconnection customer and an electric utility that contains timelines and cost estimates for construction of facilities and distribution upgrades to interconnect a DER into the distribution system, and identifies design, procurement, installation, and construction requirements associated with installation of the DER.

(p) “Customer” means a person or entity who receives electric service from an electric utility’s distribution system or a person who participates in a legacy net metering or distributed generation program through an alternative electric supplier or electric utility.

(q) “DC” means “direct current.”

(r) “Distributed energy resource” or “DER” means a source of electric power and its associated facilities that is connected to a distribution system. DER includes both generators and energy storage devices capable of exporting active power to a distribution system.

(s) “Distributed generation program” means the distributed generation program approved by the commission and included in an electric utility’s tariff pursuant to section 6a(14) of 1939 PA 3, MCL 460.6a, or established in an alternative electric supplier distributed generation program plan.

(t) “Distribution system” means the structures, equipment, and facilities owned and operated by an electric utility to deliver electricity to end users, not including transmission and generation facilities that are subject to the jurisdiction of the federal energy regulatory commission.

(u) “Distribution system study” means a study, conducted under the interconnection standards superseded by R 460.901a to R 460.992, that determined whether a distribution system upgrade was needed to accommodate the proposed project and the cost of a distribution upgrade if required.

(v) “Distribution upgrades” mean the additions, modifications, or improvements to the distribution system necessary to accommodate a DER’s connection to the distribution system.

(w) “Electric utility” means any person or entity whose rates are regulated by the commission for selling electricity to retail customers in this state. For purposes of R 460.901a through R 460.992 only, “electric utility” includes cooperative electric utilities that are member regulated as provided in section 4 of the electric cooperative member-regulation act, 2008 PA 167, MCL 460.34.

(x) “Electrically coincident” means that 2 or more proposed DERs associated with pending interconnection applications have operating characteristics and nameplate capacities which require that distribution upgrades will be necessary if the DERs are installed in electrical proximity with each other on a distribution system.

(y) “Electrically remote” means a proposed DER is not electrically coincident with a DER that is associated with a pending interconnection application.

(z) “Eligible electric generator” means a methane digester or renewable energy system with a generation capacity limited to a customer’s electric need and that does not exceed either of the following:

(i) 150 kWac of aggregate generation at a single site for a renewable energy system.

(ii) 550 kWac of aggregate generation at a single site for a methane digester.

(aa) “Energy storage device” means a device that captures energy produced at one time, stores that energy for a period of time, and delivers that energy as electricity for use at a future time. For purposes of these rules, an energy storage device may be considered a DER.

(bb) “Engineering review” means a study, conducted under the interconnection standards superseded by R 460.901a to R 460.992, that determined the suitability of the interconnection equipment including any safety and reliability complications arising from equipment saturation, multiple technologies, and proximity to synchronous motor loads.

(cc) “Facilities study” means a study to specify and estimate the cost of the equipment, engineering, procurement, and construction work if distribution upgrades or interconnection facilities are required.

(dd) “Fast track” means the procedure used for evaluating a proposed interconnection that makes use of screening processes, as described in R 460.944 to R 460.950.

(ee) “Force majeure event” means an act of God; labor disturbance; act of the public enemy; war; insurrection; riot; fire, storm, or flood; explosion, breakage, or accident to machinery or equipment; an emergency order, regulation or restriction imposed by governmental, military, or lawfully established civilian authorities; or another cause beyond a party’s control. A force majeure event does not include an act of negligence or intentional wrongdoing.

(ff) “Full retail rate” means the power supply and distribution components of the cost of electric service. Full retail rate does not include a system access charge, service charge, or other charge that is assessed on a per meter, premise, or customer basis.

(gg) “Good standing” means an applicant has paid in full all undisputed bills rendered by the interconnecting electric utility and any alternative electric supplier in a timely manner and none of these bills are in arrears.

(hh) “Governmental authority” means any federal, state, local, or other governmental regulatory or administrative agency, court, commission, department, board, or other governmental subdivision, legislature, rulemaking board, tribunal, or other governmental authority having jurisdiction over the parties, their respective facilities, or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police, or taxing authority or power; provided, however, that this term does not include the applicant, interconnection customer, electric utility, or any affiliate thereof.

(ii) “GPS” means global positioning system.

(jj) “Grid network” means a configuration of a distribution system or an area of a distribution system in which each customer is supplied electric energy at the secondary voltage by more than 1 transformer.

(kk) “High voltage distribution” means those parts of a distribution system that operate within a voltage range specified in the electric utility’s interconnection procedures. For purposes of these rules, the term “subtransmission” means the same as high voltage distribution.

(ll) “IEEE” means institute of electrical and electronics engineers.

(mm) “IEEE 1547-2018” means “IEEE Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces,” as adopted by reference in R 460.902.

(nn) “IEEE 1547.1-2020” means IEEE “Standard Conformance Test Procedures for Equipment Interconnecting Distributed Energy Resources with Electric Power Systems and Associated Interfaces,” as adopted by reference in R 460.902.

(oo) “Independent system operator” means an independent, federally-regulated entity established to coordinate regional transmission in a non-discriminatory manner and to ensure the safety and reliability of the transmission and distribution systems.

(pp) “Initial review” means the fast track initial review screens described in R 460.946.

(qq) “Interconnection” means the process undertaken by an electric utility to construct the electrical facilities necessary to connect a DER with a distribution system so that parallel operation can occur.

(rr) “Interconnection agreement” means an agreement containing the terms and conditions governing the electrical interconnection between the electric utility and the applicant or interconnection customer. Where construction of interconnection facilities or distribution upgrades are necessary, the agreement shall specify timelines, cost estimates, and payment milestones for construction of facilities and distribution upgrades to interconnect a DER into the distribution system, and shall identify design, procurement, installation, and construction requirements associated with installation of the DER. Standard level 1, 2, and 3 interconnection agreements and level 4 and 5 interconnection agreements are types of interconnection agreements.

(ss) “Interconnection coordinator” means a person or persons designated by the electric utility who shall serve as the point of contact from which general information on the application process and on the affected system or systems can be obtained through informal request by the applicant or interconnection customer.

(tt) “Interconnection customer” means the person or entity, which may include the electric utility, responsible for ensuring a DER is operated and maintained in compliance with all local, state, and federal laws, as well as with all rules, standards, and interconnection procedures.

(uu) “Interconnection facilities” mean any equipment required for the sole purpose of connecting a DER with a distribution system.

(vv) “Interconnection procedures” mean the requirements that govern project interconnection adopted by each electric utility and approved by the commission.

R 460.901b Definitions; J-Z.

Rule 1b. As used in these rules:

(a) “kW” means kilowatt.

(b) “kWac” means the electric power, in kilowatts, associated with the alternating current output of a DER at unity power factor.

(c) “kWh” means kilowatt-hours.

(d) “Legacy net metering program” means the true net metering or modified net metering programs in place prior to commission approval of a distributed generation program tariff pursuant to section 6a(14) of 1939 PA 3, MCL 460.6a, and prior to the establishment of an alternative electric supplier distributed generation plan.

(e) “Level 1” means a certified project of 20 kWac or less.

- (f) “Level 2” means a certified project of greater than 20 kWac and not more than 150 kWac.
- (g) “Level 3” means a project of 150 kWac or less that is not certified, or a project greater than 150 kWac and not more than 550 kWac.
- (h) “Level 4” means a project of greater than 550 kWac and not more than 1 MWac.
- (i) “Level 5” means a project of greater than 1 MWac.
- (j) “Level 4 and 5 interconnection agreement” means an interconnection agreement applicable to level 4 and 5 interconnection applications.
- (k) “Low voltage distribution” means those parts of a distribution system that operate with a voltage range specified in the electric utility’s interconnection procedures.
- (l) “Mainline” means a conductor that serves as the three-phase backbone of a low voltage distribution circuit.
- (m) “Material modification” means a modification to the DER nameplate rating, electrical size of components, bill of materials, machine data, equipment configuration, or the interconnection site of the DER at any time after receiving notification by the electric utility of a complete interconnection application. For the proposed modification to be considered material, it shall have been reviewed and been determined to have or anticipated to have a material impact on 1 or more of the following:
 - (i) The cost, timing, or design of any equipment located between the point of common coupling and the DER.
 - (ii) The cost, timing, or design of any other application.
 - (iii) The electric utility’s distribution system or an affected system.
 - (iv) The safety or reliability of the distribution system.
- (n) “Methane digester” means a renewable energy system that uses animal or agricultural waste for the production of fuel gas that can be burned for the generation of electricity or steam.
- (o) “Modified net metering” means an electric utility billing method that applies the power supply component of the full retail rate to the net of the bidirectional flow of kWh across the customer interconnection with the electric utility’s distribution system during a billing period or time-of-use pricing period.
- (p) “MW” means megawatt.
- (q) “MWac” means the electric power, in megawatts, associated with the alternating current output of a DER at unity power factor.
- (r) “Nameplate capacity” means the maximum active power, in kWac or MWac, at which a DER is capable of sustained operation.
- (s) “Nameplate rating” means all of the following at which a DER is capable of sustained operation:
 - (i) Nominal voltage (V).
 - (ii) Current (A).
 - (iii) Maximum active power (kWac).
 - (iv) Apparent power (kVA).
 - (v) Reactive power (kvar).
- (t) “Nationally recognized testing laboratory” means any testing laboratory recognized by the accreditation program of the United States Department of Labor Occupational Safety and Health Administration.
- (u) “Network protector” means those devices associated with a secondary network used to automatically disconnect a transformer when reverse power flow occurs.
- (v) “Non-export track” means the procedure for evaluating a proposed interconnection that will not inject electric energy into an electric utility’s distribution system, as described in R 460.942.
- (w) “Parallel operation” means the operation, for longer than 100 milliseconds, of a DER while connected to the energized distribution system.
- (x) “Party” or “parties” means an electric utility, applicant, or interconnection customer.

(y) “Point of common coupling” means the point where the DER connects with the electric utility’s distribution system.

(z) “Radial supply” means a configuration of a distribution system or an area of a distribution system in which each customer can only be supplied electric energy by 1 substation transformer and distribution line at a time.

(aa) “Readily available” means no creation of data is required, and little or no computation or analysis of data is required.

(bb) “Reasonable efforts” mean, with respect to an action required to be attempted or taken by a party under these interconnection rules, efforts that are as timely as possible and consistent with those a party would take to protect its own interests.

(cc) “Regional transmission operator” means a voluntary organization of electric transmission owners, transmission users, and other entities approved by the federal energy regulatory commission to efficiently coordinate electric transmission planning, expansion, operation, and use on a regional and interregional basis.

(dd) “Renewable energy credit” means a credit granted pursuant to the commission’s renewable energy credit certification and tracking program in section 41 of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1041.

(ee) “Renewable energy resource” means that term as defined in section 11(i) of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1011.

(ff) “Renewable energy system” means that term as defined in section 11(k) of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1011.

(gg) “Secondary network” means those areas of a distribution system that operate at a secondary voltage level and are networked.

(hh) “Simplified track” means the procedure for evaluating a level 1 or level 2 proposed interconnection, as described in R 460.940.

(ii) “Site” means a contiguous site, regardless of the number of meters at that site. A site that would be contiguous but for the presence of a street, road, or highway is considered to be contiguous for the purposes of these rules.

(jj) “Spot network” means a location on the distribution system that uses 2 or more inter-tied transformers to supply an electrical network circuit, such as a network circuit in a large building.

(kk) “Standard level 1, 2, and 3 interconnection agreement” means the statewide interconnection agreement approved by the commission and applicable to levels 1, 2 and 3 interconnection applications.

(ll) “Study track” means the procedure used for evaluating a proposed interconnection as described in R 460.952 to R 460.962.

(mm) “Supplemental review” means the fast track supplemental review screens described in R 460.950.

(nn) “System impact study” means a study to identify and describe the impacts to the electric utility’s distribution system that would occur if the proposed DER were interconnected exactly as proposed and without any modifications to the electric utility’s distribution system. A system impact study also identifies affected systems.

(oo) “Temporary DER” means a DER that is installed on the distribution system by the electric utility with the intention of not operating at the site permanently.

(pp) “Transition batch” means the group of interconnection applications processed pursuant to R 460.918.

(qq) “True net metering” means an electric utility billing method that applies the full retail rate to the net of the bidirectional flow of kWh across the customer interconnection with the electric utility’s distribution system, during a billing period or time-of-use pricing period.

(rr) “UL” means underwriters laboratory.

(ss) “UL 1741” means the August 3, 2020 revision of “Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources,” as adopted by reference in R 460.902.

R 460.902 Adoption of standards by reference.

Rule 2. (1) The standards specified in these rules are adopted by reference as follows:

(a) UL 1741 Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources, August 3, 2020 revision, is available from Underwriters Laboratories at the internet website: <https://standardscatalog.ul.com/Catalog.aspx> at a cost of \$395.00 at the time of adoption of these rules.

(b) ANSI C84.1 – 2016 Electric Power Systems and Equipment – Voltage Ratings (60 Hz), June 9, 2016, is available from the American National Standards Institute, Inc. at the internet website <https://webstore.ansi.org/> at a cost of \$111.24 at the time of adoption of these rules.

(c) The following standards adopted by reference are available from IEEE at the internet website <https://standards.ieee.org> at the time of adoption of these rules.

(i) The IEEE 1453-2015, IEEE Recommended Practice for the Analysis of Fluctuating Installations on Power Systems, October 30, 2015, is available at a cost of \$99.00 - \$147.00 at the time of adoption of these rules.

(ii) The IEEE 1547 - 2018, IEEE Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power System Interfaces, April 6, 2018, is available at a cost of \$149.00 - \$224.00 at the time of adoption of these rules.

(iii) The IEEE 1547.1-2020 IEEE Standard Conformance Test Procedures for Equipment Interconnecting Distributed Energy Resources with Electric Power Systems and Associated Interfaces, May 21, 2020, is available at a cost of \$197.00 - \$296.00 at the time of adoption of these rules.

(iv) The IEEE 519-2014 IEEE Recommended Practice and Requirements for Harmonic Control in Electric Power Systems, June 11, 2014, is available at a cost of \$52.00 - \$66.00 at the time of adoption of these rules.

(2) The commission has copies of the standards specified in subrule (1) of this rule available for review at its offices located at 7109 W. Saginaw Hwy., Lansing, Michigan 48917-1120. The mailing address is Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909-0221.

R 460.904 Informal mediation.

Rule 4. (1) The parties shall attempt to resolve all disputes arising out of the interconnection process, as defined by R 460.901a through R 460.992, according to the provisions of this rule.

(2) Prior to formal mediation under R 460.906, the parties shall attempt to resolve any conflict without commission intervention through direct discussion and informal negotiation.

(3) In the event that parties are unable to resolve the dispute privately, the parties may, by mutual agreement, make a written request for informal mediation to the commission staff. The informal mediation shall be conducted by an interconnection ombudsperson who shall be a member of the commission staff and designated by the commission. Both parties may choose to have attorneys or appropriate representation present.

(4) During informal mediation, the parties shall discuss relevant facts pertaining to the dispute and the relief being sought. The interconnection ombudsperson and relevant commission staff shall be present to facilitate the discussion and provide guidance among the parties. Parties shall operate in good faith and use best efforts to resolve the dispute.

(5) If a resolution is reached by the end of the meeting or meetings, the parties may draft a resolution of the dispute.

(6) If the parties reach impasse and are unable to resolve the dispute, the parties shall proceed to the formal mediation process described in R 460.906.

R 460.906 Formal mediation.

Rule 6. (1) If the parties have been unable to resolve a dispute through the informal mediation process under R 460.904, the parties shall then attempt to resolve the dispute in the following manner:

(a) The complaining party shall file a written notice of dispute with the commission. The notice of dispute must state the specific grounds for the dispute, sufficient facts to support the allegations, the relief requested, and must contain all information, testimony, exhibits, or other documents and information within the party's possession on which the party intends to rely to support the party's position.

(b) The complaining party shall give notice that it is invoking the procedures in this rule. The complaining party shall send the notice to the non-complaining party's email address and file the notice with the commission.

(c) The non-complaining party shall acknowledge the notice of dispute within 10 business days of its receipt and identify a representative with the authority to make decisions on its behalf with respect to the dispute.

(d) An administrative law judge shall serve as the mediator in these proceedings. The administrative law judge may request and receive assistance from commission staff.

(e) Within 60 business days from the date the non-complaining party acknowledges the dispute, the mediator shall issue a recommended settlement.

(f) Within 5 business days after the date the recommended settlement is issued, each party shall file with the commission a written acceptance or rejection of the recommended settlement. If the parties accept the recommendation, then the recommendation shall become an order. If a party rejects or fails to respond within 5 business days to the recommended settlement, then the dispute may proceed to a contested case hearing before the commission as provided in R 792.10415.

(2) Nothing in these rules precludes a disputing party from filing a formal complaint with the commission, either instead of or after pursuing informal mediation or formal mediation pursuant to these rules.

(3) The initiation of any form of dispute resolution by a party tolls any applicable deadlines under these rules until the dispute is resolved.

R 460.908 Appointment of experts.

Rule 8. (1) If a complaint is filed against an electric utility regarding a technical issue, the commission may, at its discretion, appoint 1 to 3 independent experts to investigate the complaint and report findings to the commission.

(2) The experts shall submit a report to the commission with the results and conclusions of their inquiry and may suggest corrective measures for resolving the complaint. The reports of the experts must be received in evidence and the experts made available for cross examination by the parties at any hearing.

(3) The reasonable expenses of experts appointed pursuant to subrule (1) of this rule, including a reasonable hourly fee or fee determined by the commission, must be submitted by these experts to the commission for approval and, if approved, must be funded under subrule (4) of this rule.

(4) An electric utility or alternative electric supplier shall reimburse the experts appointed by the commission for the reasonable expenses incurred in the course of investigating the complaint.

R 460.910 Waivers.

Rule 10. An electric utility, customer, alternative electric supplier, applicant, or interconnection customer may apply to the commission for a waiver from 1 or more provisions of these rules and may request expeditious processing. The commission may grant a waiver upon a showing of good cause and a finding that the waiver is in the public interest.

PART 2. INTERCONNECTION STANDARDS

R 460.911 Applicability.

Rule 11. These rules apply to all interconnection applications filed on or after the effective date of these rules and interconnection applications filed prior to the effective date of these rules that do not have an executed construction or interconnection agreement. Interconnection applications with a construction agreement or interconnection agreement executed prior to the effective date of these rules are governed by their construction or interconnection agreement.

R 460.914 Transition non-study group.

Rule 14. (1) Interconnection applications that were filed before the effective date of these rules and that do not meet the eligibility criteria for transition batch study must be placed into the transition non-study group.

(2) An electric utility shall determine whether an interconnection application in the transition non-study group is eligible to go through the simplified track, non-export track, or fast track within 30 business days of the effective date of these rules. Within 30 business days of making the eligibility determination, an electric utility shall commence processing the interconnection application according to the applicable timelines in these rules.

(3) An electric utility shall process incomplete or non-conforming interconnection applications according to R 460.936(7)(a) and (b).

R 460.916 Legacy applications.

Rule 16. (1) For applicants with interconnection applications that have complete distribution system studies and that have entered into a construction or interconnection agreement with an electric utility as of the effective date of these rules, the interconnection must be completed according to existing contractual arrangements.

(2) For applicants that have distribution system studies which were completed by an electric utility within the 6 months prior to the effective date of these rules, but have not entered into a construction or interconnection agreement with an electric utility as of the effective date of these rules, the interconnection application must proceed to an interconnection agreement under R 460.964.

(3) For applicants that have distribution system studies that were conducted and completed more than 6 months before the effective date of these rules, the electric utility may require a facilities study within the transition batch upon a showing that a new study is necessary based on changed circumstances affecting the location of interconnection.

R 460.918 Transition batch study process.

Rule 18. (1) An electric utility shall begin its transition batch 80 business days after the effective date of these rules.

(2) Interconnection applications are eligible to join the transition batch if all of the following requirements are met:

(a) The application does not qualify for simplified track, non-export track, or fast track.

(b) The application was accepted at any time prior to the start of the transition batch, including prior to the effective date of these rules.

(c) A distribution study on the interconnection application was not completed at any time prior to the effective date of these rules, or a distribution study was completed more than 6 months before the effective date of these rules and an electric utility decided a facilities study was necessary pursuant to R 460.916(3).

(3) An applicant with an eligible interconnection application pursuant to subrule (2) of this rule may join the transition batch by signing a transition batch agreement and paying any required fees before the start of the transition batch.

(4) Pre-application reports may not be required for interconnection applications accepted before the effective date of these rules.

(5) If an applicant with an interconnection application that is pending as of the effective date of these rules and that is otherwise eligible to join the transition batch has not submitted a complete and conforming application, an electric utility shall process the incomplete or non-conforming interconnection application according to R 460.936(7)(a) and (b). If the interconnection application is not deemed complete and conforming prior to an electric utility beginning its interconnection studies, the electric utility shall determine whether the interconnection application may be included in the transition batch study.

(6) The interconnection applications in the transition batch must be studied as a group by an electric utility. DERs in the transition batch that are electrically remote may be studied on an expedited schedule, generally in the order the interconnection applications were deemed complete, but this expedited scheduling may not cause unreasonable delays in the evaluation of the other DERs in the transition batch.

(7) An electric utility shall process the transition batch and provide facilities study results to interconnection applicants within 1 year of the start date. The start date for the transition batch must be specified in an electric utility's draft interconnection procedures and published on an electric utility's public website.

(8) An electric utility shall offer to hold a scoping meeting, either in-person or via telecommunications, with every applicant in the transition batch. The scoping meetings must meet the following requirements:

(a) All meetings must, to the extent feasible, take place within the first 30 days of the transition batch.

(b) An electric utility shall not begin studies within the transition batch until it has held a scoping meeting with every applicant that had agreed to participate in a meeting. An electric utility may begin the batch study if 1 or more applicants is unreasonably delaying a meeting.

(c) Scoping meetings are limited to 1 hour per application. Multiple applications by the same applicant may be addressed in the same meeting. An electric utility may meet with multiple applicants in the same meeting if agreed to by the electric utility and all the applicants that will attend the meeting.

(d) During the scoping meeting, an electric utility shall identify and communicate to each applicant the studies it plans to perform and provide the cost of the transition batch study using either fees that comply with R 460.926, or, if interconnection procedures have been approved by the commission, fees that comply with the interconnection procedures. The cost estimate must assume that all applicants will stay in the transition batch throughout the batch study.

(9) The transition batch process must include a system impact study and a facilities study. An electric utility may specify additional studies it may perform on the transition batch in its interconnection procedures.

(10) Electrically coincident DERs within the transition batch are considered to have equal priority with each other.

(11) An electric utility shall comply with R 460.960(1) and (2) when conducting a system impact study. However, applicants with interconnection applications that have had an engineering review completed within the 6 months prior to the effective date of these rules may not be required to pay for a new system impact study.

(12) An electric utility shall comply with R 460.962(1) when conducting a facilities study.

(13) An electric utility shall provide written study results to each applicant at the completion of each study during the transition batch. An electric utility shall offer to hold at least 1 conference call with each transition batch applicant at the completion of each study. An electric utility may choose to group the consultation regarding multiple projects by 1 applicant and its affiliates into the same conference call. This conference call must provide a summary of outcomes and respond to questions from applicants. Where possible, conferences regarding the study results should be held within 30 business days following completion of the study.

(14) Within 40 business days following completion of the study, an applicant shall choose either to continue in the transition batch or withdraw. The fee for the next study in the transition batch is due by the end of the 40 business day period, unless extended by the electric utility. Applicants that withdraw from the transition batch may reapply with a new interconnection application.

(15) Applicants may reduce the capacity of the DER by up to 20% during the decision period between studies, including up to and through the conclusion of the system impact study. If an applicant wants to increase the capacity of the DER by any amount or decrease the capacity of the DER by more than 20%, an electric utility may require the applicant to submit a new interconnection application and pay the appropriate fees.

(16) Within 45 days of receiving the final transition batch study report, an applicant shall notify the electric utility whether it intends to proceed to an interconnection agreement pursuant to R 460.964 or withdraw. Failure to notify an electric utility within the required time period shall result in the interconnection application being withdrawn.

(17) Under circumstances where an interconnection application is delayed due to an affected system issue, informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or a complaint, other interconnection applications in the transition batch must continue to progress. If feasible, due to the status of the transition batch study, the delayed interconnection application may rejoin the transition batch study after the affected system issue is resolved. An interconnection application that is the subject of informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or a complaint, may also rejoin the batch study at a later date, if feasible, due to the status of the batch study.

(18) A transition batch study is considered complete 45 business days after all transition batch applicants, except those applicants whose DERs are still causing unresolved affected system issues, pursuing informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or a complaint, have withdrawn, or have received a final transition batch study report.

R 460.920 Electric utility interconnection procedures.

Rule 20. (1) An electric utility shall file applications for approval of interconnection procedures and forms within 30 business days of the effective date of these rules.

(2) The commission shall issue its order approving, rejecting, or modifying the proposed interconnection procedures and forms within 360 days of the effective date of these rules. If the commission finds the procedures and forms proposed by the electric utility to be inadequate or unacceptable, the commission may either adopt procedures and forms proposed by another party in the proceeding or modify and accept the procedures and forms proposed by the electric utility.

(3) Until the commission accepts, rejects, or modifies an electric utility's interconnection procedures and forms, the electric utility may use the proposed interconnection procedures and forms when processing interconnection applications with the exception of fixed fees and fee caps. An electric utility shall only charge fees that comply with the requirements of R 460.926 until the commission accepts, rejects, or modifies the proposed interconnection procedures and forms.

(4) Two or more electric utilities may file a joint application proposing interconnection procedures for use by the joint applicants. The proposed interconnection procedures must ensure compliance with these rules.

(5) The proposed interconnection procedures must, at a minimum, include all of the following:

- (a) All necessary applications, forms, and relevant template agreements.
 - (b) A schedule of all applicable fixed fees and fee caps.
 - (c) Voltage ranges for high voltage distribution and low voltage distribution.
 - (d) Required initial review screens.
 - (e) Required supplemental review screens.
 - (f) The process for conducting system impact studies and facilities studies on DERs when there is an affected system issue.
 - (g) Testing and certification requirements of DER telecommunications, cybersecurity, data exchange, and remote control operation.
 - (h) Parallel operation requirements.
 - (i) A method to estimate the expected annual kWh output of the generator or generators.
 - (j) Acceptable methods or standards for power-limited export DERs.
 - (k) A cost allocation methodology for study track DERs.
 - (l) An evaluation of an interconnection application for a project that includes single or multiple types of DERs at a site for which the applicant seeks a single point of common coupling.
 - (m) Details describing how an energy storage device may be integrated into an existing legacy net metering program system without impacting the 10-year grandfathering period.
 - (n) For electric utilities that are member-regulated electric cooperatives, a procedure for fairly processing applications in instances in which the number of applications exceed the capacity of the electric cooperative to timely meet the deadlines in these rules.
 - (o) Examples of modifications that are not material modifications, acceptable material modifications, and unacceptable material modifications.
 - (p) The procedure for performing a material modification review.
- (6) An electric utility shall obtain commission approval to revise its interconnection procedures.

R 460.922 Online applications and electronic submission.

Rule 22. (1) An electric utility shall allow pre-application report requests, interconnection applications, and interconnection agreements to be submitted electronically, such as, through the electric utility's website or via email.

(2) An electric utility shall dedicate a page on its website or direct customers to a linked website with information on these rules. The relevant information available to an applicant or interconnection customer via a website must include all of the following:

- (a) These rules and interconnection procedures in an electronically searchable format.

(b) The electric utility's applications and all associated forms in a format that allows for electronic entry of data.

(c) Sample documents including, at a minimum, a 1-line diagram with required labels.

(d) Contact information for the electric utility's DER interconnection coordinator, including an email address and a phone number.

(e) Directions for the submission of applications.

R 460.924 Communications.

Rule 24. (1) An electric utility shall designate 1 or more interconnection coordinators. The telephone number and e-mail address of the interconnection coordinator or coordinators must be made available on the electric utility's website. The interconnection coordinator or coordinators must be available to provide reasonable assistance to the applicant or interconnection customer but is not responsible to directly answer or resolve all of the issues that may arise in the interconnection process.

(2) An applicant may designate an application agent. An application agent may serve as the single point of contact for the applicant and may coordinate with the electric utility on the applicant's behalf. Designation of an application agent does not absolve the applicant from signing interconnection documents or from complying with the requirements in these rules and the interconnection agreement.

(3) An electric utility must be indemnified by the applicant and its application agent with respect to assistance provided by an interconnection coordinator or coordinators.

R 460.926 Initial fees.

Rule 26. (1) After the effective date of these rules, fees for the pre-application report, the simplified track, the non-export track, the fast track, and the study track may not exceed the initial fee caps listed in subrule (2) of this rule, and the caps must remain in effect until interconnection procedures are approved by the commission under R 460.920.

(2) The initial fee amounts for all levels of DERs are as follows:

(a) The pre-application report fee may not exceed \$300.

(b) The simplified track fee and any applicable legacy net metering program application fee pursuant to R 460.1004(7) or distributed generation program application fee pursuant to R 460.1006(6), together, may not exceed a total of \$50.

(c) The non-export track fee may not exceed $\$100 + \$1/\text{kWac}$ for certified DERs and $\$100 + \$2/\text{kWac}$ for non-certified DERs.

(d) The fast track initial review fee is $\$100 + \$1/\text{kWac}$ for certified DERs and $\$100 + \$2/\text{kWac}$ for non-certified DERs.

(e) The transition batch fee for interconnection application review and the scoping meeting may not exceed \$300.

(f) The fee for a fast track supplemental review including all review screens may not exceed \$5,000.

(g) The study track fee for interconnection application review and the scoping meeting may not exceed \$300.

(h) The system impact study fee may not exceed \$30,000.

(i) The facilities study fee may not exceed \$30,000.

(3) The initial fees caps listed in subrule (2) of this rule, and any fixed fees subject to the initial fee caps charged by the electric utility, must be displayed prominently on the electric utility's interconnection website.

(4) An electric utility that expects to incur costs greater than the initial fee caps listed in subrule (2) of this rule in the evaluation of an interconnection application may file a request for a waiver pursuant to R 460.910.

R 460.928 Fee and fee cap modifications.

Rule 28. (1) An electric utility shall include in its proposed interconnection procedures fixed fees to replace the initial fee caps specified in R 460.926(2)(a), (b), (c), (d), (e), and (g), and any other fixed fees the electric utility considers necessary.

(2) An electric utility shall include in its proposed interconnection procedures adjusted fee caps to replace the initial fee caps specified in R 460.926(2)(f), (h), and (i), and any other fee caps the electric utility considers necessary. An electric utility may charge actual costs up to the fee caps.

(3) The fixed fees must be specific to level size and be based on estimates of reasonable costs to perform the applicable service or study. The fee caps must be specific to level size and be based on a reasonable range of costs for performing the applicable study.

(4) The most recently approved fixed fees and fee caps must be listed in the electric utility's interconnection procedures and displayed prominently on the electric utility's interconnection website.

(5) The fixed fees and fee caps that are approved for inclusion in the electric utility's interconnection procedures by the commission may be reviewed at any time by the electric utility and adjusted, if necessary, subject to commission review and approval.

(6) Any modification of fees may not be applicable to fees already paid.

(7) An electric utility that expects to incur costs greater than its prevailing fee caps in the evaluation of an interconnection application may file a request for a waiver pursuant to R 460.910.

R 460.930 Pre-application report request form.

Rule 30. (1) An applicant shall submit a completed pre-application report request form and the required fee for a pre-application report on a proposed level 4 or level 5 DER.

(2) The pre-application report request form must include all of the following information:

(a) Project contact information, including name, address, phone number, and email address.

(b) Project location, as accurately as can be identified, which may be given by any of the following:

(i) Street address with nearby cross streets and town.

(ii) An aerial map with location clearly marked.

(iii) GPS coordinates.

(c) Account number, meter number, structure number, or other equivalent information identifying the proposed point of common coupling, if available.

(d) Whether the DER is any of the following:

(i) Solar.

(ii) Wind.

(iii) Cogeneration.

(iv) Storage.

(v) Solar with storage.

(vi) Other type of DER.

(e) Nameplate capacity of the DER types in alternating current kW.

(f) Whether the DER configuration is single or 3-phase.

(g) Whether the DER will be a stand-alone generator, meaning no onsite load other than station service.

(h) Whether new service is requested. If there is existing service, the customer account number and site minimum and maximum current or proposed electric loads in kW, if available, must be included, and how the load is expected to change must be specified.

(i) Whether the location is new construction.

R 460.932 Pre-application report.

Rule 32. (1) Using the information provided in the pre-application report request form described in R 460.930, an electric utility shall identify the substation bus, bank, or circuit most likely to serve the point of common coupling. This identification by the electric utility does not necessarily indicate that this would be the circuit to which the project ultimately connects.

(2) An applicant may request additional pre-application reports if information about multiple points of common coupling is requested. No more than 10 pre-application report requests may be submitted by an applicant and its affiliates during a 1-week period. An electric utility may reject additional pre-application report requests.

(3) The pre-application report must include all of the following information:

(a) Total capacity, in MW, of substation bus, bank, or circuit based on normal or operating ratings likely to serve the proposed point of common coupling.

(b) Existing aggregate generation capacity, in MW, interconnected to a substation bus, bank, or circuit likely to serve the proposed point of common coupling.

(c) Aggregate capacity, in MW, of generation not yet built but found in previously accepted interconnection applications, for a substation bus, bank, or circuit likely to serve the proposed point of common coupling.

(d) Available capacity, in MW, of substation bus, bank, or circuit likely to serve the proposed point of common coupling.

(e) Substation nominal distribution voltage.

(f) Nominal distribution circuit voltage at the proposed point of common coupling.

(g) Label, name, or identifier of the distribution circuit on which the proposed point of common coupling is located.

(h) Approximate circuit distance between the proposed point of common coupling and the substation.

(i) The actual or estimated peak load and minimum load data at any relevant line section or sections, including daytime minimum load and absolute minimum load, when available. If not readily available, the report must indicate whether the generator is expected to exceed minimum load on the circuit.

(j) Whether the point of common coupling is located behind a line voltage regulator and whether the substation has a load tap changer.

(k) Limiting conductor ratings from the proposed point of common coupling to the distribution substation.

(l) Number of phases available at the primary voltage level at the proposed point of common coupling, and, if a single phase, distance from the 3-phase circuit.

(m) Whether the point of common coupling is located on a spot network, area network, grid network, radial supply, or secondary network.

(n) Based on the proposed point of common coupling, the report must indicate whether power quality issues may be present on the circuit.

(o) Whether or not the area has been identified as having a prior affected system.

(p) Whether or not the site will require a system impact study for high voltage distribution based on size, location, and existing system configuration.

(4) The pre-application report may include only existing and readily available data. A request for a pre-application report does not obligate an electric utility to conduct a study or other analysis of the

proposed DER if data is not readily available. The pre-application report must also indicate any information listed in subrule (3) of this rule that is not readily available. An electric utility may, at its discretion, return any portion of the pre-application report fee because some or all information does not exist.

(5) Pre-application report requests must be processed in the order in which an electric utility received the requests.

(6) An electric utility shall provide the data required in the pre-application report to the applicant within 25 business days of receipt of the completed request form and payment of the fee. The pre-application report produced by the electric utility is non-binding and does not confer any rights on the applicant.

R 460.934 Site control.

Rule 34. (1) Documentation of site control must be submitted with the application by the applicant.

(2) For level 3, 4, or 5 DERs, site control may be demonstrated by providing documentation that shows any of the following:

(a) Ownership of, a leasehold interest in, or a right to develop a site for the purpose of constructing and operating the DER.

(b) An enforceable option to purchase or acquire a leasehold site for this purpose.

(c) A legally binding agreement transferring a present real property right to specified real property along with the right to construct and operate a DER on the specified real property for a period of time not less than 5 years.

(3) For level 1 or 2 DERs, proof of site control may be demonstrated by the site owner's signature on the application.

(4) An applicant may redact commercially sensitive information from site control documents.

R 460.936 Interconnection applications.

Rule 36. (1) An electric utility shall provide an interconnection application for an applicant to complete, including for those applicants whose DERs will be configured to be non-exporting.

(2) All documents required for a complete interconnection application must be listed on the interconnection application. For level 4 and 5 interconnection applications, the list of required documents must include a completed pre-application report.

(3) For interconnection applications with proposed DERs that fall into level 1, an applicant shall provide a 1-line diagram and a site diagram.

(4) For interconnection applications with proposed DERs that fall into levels 2 and 3, an applicant shall provide a 1-line diagram that is either sealed by a professional engineer licensed in this state or signed by an electrical contractor who is licensed in this state with the electrical contractor's license number noted on the diagram. An applicant shall also provide a site diagram.

(5) For interconnection applications with proposed DERs that fall into levels 4 and above, an applicant shall provide a 1-line diagram that is sealed by a professional engineer who is licensed in this state. An applicant shall also provide a site diagram.

(6) Applications shall be reviewed to assess whether they are complete and conforming in the order in which they were received. An application is considered received when an electric utility receives the application, the application's attachments, and the application fee. The application must be date-stamped for the first business day when the electric utility has received the interconnection application, the application attachments, and payment of the application fee. An electric utility shall notify the

applicant of receipt of the application by the end of the third business day following the date of the date stamp.

(7) The electric utility shall notify the applicant that the interconnection application is either complete and conforming, or incomplete, or non-conforming, within 10 business days of the date stamp.

(a) If an interconnection application is determined to be complete and conforming by the electric utility, the applicant must be notified that the interconnection application is accepted. The electric utility shall also indicate whether the interconnection application will be processed using the simplified track, non-export track, fast track, or study track.

(b) If the application is incomplete or non-conforming, the electric utility shall provide to the applicant a written list of all deficiencies with the notification. The applicant shall have 60 business days from the date of electric utility notification to submit the necessary information and may provide up to 2 submissions during this time period. After each submission of information, the electric utility shall have 10 business days to notify the applicant that the interconnection application is either accepted or rejected due to continuing deficiencies. If the applicant does not meet the timelines required by this rule, the utility may withdraw the application.

(8) An electric utility shall comply with part 2 of these rules, R 460.911 to R 460.992, and its interconnection procedures when interconnecting DERs that it owns and operates onto its distribution system, with the exception of temporary DERs.

(9) An electric utility shall use the same process when processing and studying interconnection applications from all applicants, whether the DER is owned or operated by the electric utility, its subsidiaries or affiliates, or others, with the exception of temporary DERs.

(10) An electric utility shall review and update interconnection applications periodically to reflect new information required to properly review DERs, subject to commission review and approval.

R 460.938 Public interconnection list.

Rule 38. (1) An electric utility shall maintain a public interconnection list, which is available in a sortable spreadsheet format, and provide it to the public upon request. An electric utility that has received not less than 100 complete interconnection applications in a year shall publish this list on the electric utility's website. The public interconnection list must be updated monthly unless no changes to the spreadsheet have occurred in that month. The date of the most recent update must be clearly indicated.

(2) The public interconnection list must include all of the following: —

- (a) An application identifier.
- (b) The date that the electric utility received the application.
- (c) The date that the electric utility considered the application to be complete and conforming.
- (d) Whether the application is on the simplified track, non-export track, fast track, or study track.
- (e) The proposed DER nameplate capacity.
- (f) The proposed DER interconnection size level.
- (g) The DER technology type.
- (h) The county and township in which the proposed point of common coupling will be located.
- (i) The current status of the application's progress in the interconnection process.
- (j) The labels, names, or identifiers of the distribution circuit and substation.

R 460.940 Simplified track review.

Rule 40. (1) Level 1 and 2 applications, including applications that include an energy storage device so the export of power meets the requirements of level 1 or level 2, must be processed using the simplified track.

(2) Within 10 business days after notifying an applicant that the application had been accepted, an electric utility shall perform a review by using up to all of the initial review screens specified in the electric utility's interconnection procedures and notify the applicant if any interconnection facilities, distribution upgrades, further study, or application modifications are required for safe and reliable interconnection to the electric utility's distribution system or for tariff compliance. If an electric utility chooses to perform a review by using a subset of the initial review screens, the exclusion of 1 or more screens may not be the only basis for the electric utility to require application modification or further study.

(3) If the utility review notification indicates that no further study or application modifications are required, the applicant shall proceed under R 460.964 to an interconnection agreement.

(4) If application modification is offered by the electric utility, the applicant shall either withdraw the interconnection application or provide a modified application within 60 business days from the date of electric utility notification, with up to 2 resubmissions during this time period to provide a modified application. After each submission of information, the electric utility shall notify the applicant within 10 business days that the interconnection application is either accepted or rejected due to continuing deficiencies. If the applicant does not meet the timelines required by this subrule, the electric utility may withdraw the application. When the applicant provides a modified application, the electric utility shall follow the procedure specified in subrule (2) of this rule.

(5) If further study is required, the electric utility and the applicant shall decide whether to proceed to a supplemental review under R 460.950 or the study track under R 460.952, or to withdraw the application. The applicant shall have 20 business days to decide on a course of action and to notify the electric utility. In the absence of this notification, the electric utility may withdraw the application.

R 460.942 Non-export track review.

Rule 42. (1) Interconnection applications for DERs that will not inject electric energy into an electric utility's distribution system are eligible for evaluation under the non-export track. Non-export eligibility requires an existing electrical service at the applicant's premise.

(2) Subject to review and approval by the commission, an electric utility may limit the eligibility of the non-export track in its interconnection procedures based on the characteristics of its distribution system.

(3) Before submitting an interconnection application, a non-export track applicant may contact the electric utility for assistance in determining whether a non-export track review will be sufficient or the study track is necessary. The electric utility shall provide the applicant assistance based on available information. If the applicant chooses to proceed, an interconnection application shall be submitted pursuant to R 460.936.

(4) Within 20 business days after being notified that the application was accepted, the electric utility shall perform an initial review by using some or all of the initial review screens specified in the electric utility's interconnection procedures and notify the applicant of the results. If an electric utility chooses to perform a review using a subset of the initial review screens, the exclusion of 1 or more screens may not be the only basis for the electric utility to require interconnection facilities, distribution upgrades, further study, or application modifications.

(a) If the notification indicates that no interconnection facilities, distribution upgrades, further study, or application modifications are required, the electric utility shall provide specifications for any equipment the applicant will be required to install within 10 business days of the applicant being notified. Within 10 business days of receiving the equipment specifications, the applicant shall notify the electric utility whether it will proceed under R 460.964 to an interconnection agreement or will withdraw the application. The applicant's failure to notify the electric utility within the required time period shall result in the interconnection application being withdrawn by the electric utility.

(b) If application modification is offered by the electric utility, the applicant shall either withdraw the interconnection application or provide a modified application within 60 business days from the date of

electric utility notification, with up to 2 resubmissions during this time period to provide a modified application. After each submission of information, the electric utility shall notify the applicant within 10 business days that the interconnection application is either accepted or rejected due to continuing deficiencies. If the applicant does not meet the timelines required by this subrule, the electric utility may withdraw the application. When the applicant provides a modified application, the electric utility shall follow the procedure specified in this subrule.

(5) If further study is required, the electric utility shall present options and the applicant shall decide whether to proceed to a supplemental review under R 460.950, or to the study track under R 460.952, or to withdraw the application. The applicant shall have 20 business days to decide on a course of action and notify the electric utility. In the absence of this notification, the electric utility may withdraw the application within the required time period.

(6) When an applicant changes from a non-exporting system to an exporting system, the applicant shall submit a new interconnection application.

R 460.944 Fast track applicability.

Rule 44. (1) Level 3 and level 4 applications in which the DER is not proposing to interconnect with the electric utility's high voltage distribution system are eligible for the fast track. These level 3 and level 4 applications may include applications that provide for the use of an energy storage device so the export of power meets the requirements of level 3 or level 4.

(2) An applicant that is eligible for the fast track may forgo the fast track and proceed directly to the study track.

(3) An applicant with an application that is outside the limitations specified in subrule (1) of this rule may petition the electric utility to have its application evaluated under fast track. The electric utility may approve or reject this request at its discretion.

(4) In determining fast track eligibility, an electric utility may aggregate all proposed new generation on a site regardless of the existence of a shared point of common coupling or multiple points of common coupling.

R 460.946 Fast track; initial review.

Rule 46. (1) An electric utility shall list in its interconnection procedures the initial review screens specified in subrule (5) of this rule. An electric utility may add additional details to each of these screens in the interconnection procedures.

(2) An electric utility may include additional initial review screens in its interconnection procedures. In its application requesting approval of interconnection procedures, an electric utility shall provide a detailed technical rationale for including each additional screen. If an additional screen conflicts with or undermines any of the initial review screens specified in subrule (5) of this rule, the rationale must include an explanation of how it does so.

(3) The electric utility may waive application of 1, some, or all of the initial review screens.

(4) Within 20 business days after an electric utility receives a complete and conforming application and associated payment, the electric utility shall perform an initial review and notify the applicant of the results. The initial review must consist of applying the initial review screens selected by the electric utility pursuant to subrule (3) of this rule to the proposed DER. The electric utility shall not require a supplemental review or a system impact study if the DER passes the applied initial review screens.

(5) The initial review screens are all of the following:

(a) The entire proposed DER, including all aggregated site generation and point or points of interconnection, must be located within the electric utility's service territory.

(b) For interconnection of a proposed DER to a radial distribution circuit, the aggregated generation, including the proposed DER, on the circuit may not exceed 15% of the line section annual peak load as most recently measured or calculated if measured data is not available. A line section is that portion of an electric utility's distribution system connected to a customer bounded by automatic sectionalizing devices or the end of the distribution line. The electric utility may consider 100% of applicable loading, if available, instead of 15% of line section peak load.

(c) For interconnection of a proposed DER to the load side of network protectors, the proposed DER must utilize an inverter-based equipment package and, together with the aggregated other inverter-based DERs, may not exceed the smaller of 5% of a network's maximum load or 50 kWac.

(d) The proposed DER, in aggregation with other DERs on the distribution circuit, may not contribute more than 10% to the distribution circuit's maximum fault current at the point on the primary voltage nearest the proposed point of common coupling.

(e) The proposed DER, in aggregate with other DERs on the distribution circuit, may not cause any distribution protective devices and equipment or interconnection customer equipment on the system to exceed 87.5% of the short circuit interrupting capability. An interconnection may not be proposed for a circuit that already exceeds 87.5% of the short circuit interrupting capability. Distribution protective devices and equipment include, but are not limited to, substation breakers, fuse cutouts, and line reclosers.

(f) The initial review screen determines the type of interconnection to a primary distribution line for the proposed DER, according to the requirements specified in the table in this subdivision. This screen includes a review of the type of electrical service provided to the applicant, including line configuration and the transformer connection to limit the potential for creating over-voltages on the electric utility's distribution system due to a loss of ground during the operating time of any anti-islanding function.

Primary Distribution Line Type	Type of Interconnection to Primary Distribution Line	Result
3-phase, 3 wire	3-phase or single phase, phase-to-phase	Pass screen
3-phase, 4 wire	Effectively-grounded 3- phase or single-phase, line-to-neutral	Pass screen

(g) If the proposed DER is to be interconnected on single-phase shared secondary, the aggregate generation capacity on the shared secondary, including the proposed DER, may not exceed 20 kWac or 65% of the transformer nameplate rating.

(h) If the proposed DER is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition may not create an imbalance between the 2 sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

(i) If the proposed DER is single-phase and is to be interconnected to a 3-phase service, its nameplate rating may not exceed 10% of the service transformer nameplate rating.

(j) If the proposed DER's point of common coupling is behind a line voltage regulator, the DER's nameplate rating must be less than 250 kWac. This screen does not include substation voltage regulators.

(6) If the proposed interconnection passes the initial review screens, or if the proposed interconnection fails the screens but the electric utility determines that the DER may be interconnected consistent with safety, reliability, and power quality standards, the electric utility shall notify the applicant. If a facilities study is not required, the interconnection application must proceed under R 460.964 to an interconnection agreement. If a facilities study is required, the interconnection agreement must proceed under R 460.962.

(7) If the proposed interconnection fails any of the initial review screens, and the electric utility does not or cannot determine that the DER may be interconnected consistent with safety, reliability, and power quality standards, the electric utility shall notify the applicant, provide the applicant with the results of the application of the initial review screens, and offer all of the following options:

(a) Attend a customer options meeting, as described in R 460.948.

(b) Proceed to supplemental review under R 460.950.

(c) Submit within 60 business days from the date of the electric utility notification, with up to 2 submissions during this time period, a complete and conforming revised interconnection application that includes application modifications offered or required by the electric utility. The application modifications must mitigate or eliminate the factors that caused the interconnection application to fail 1 or more of the initial review screens. After each submission of information, the electric utility has 10 business days to notify the applicant that the interconnection application is either accepted or rejected

due to continuing deficiencies. If the applicant does not meet the timelines required by this subrule, the electric utility may withdraw the application. After the electric utility determines the application is accepted, the revised interconnection application must proceed under subrule (4) of this rule.

(d) Withdraw the interconnection application.

(8) If the applicant does not select a course of action under subrule (7) of this rule within 10 business days of notice from the electric utility, the electric utility shall withdraw the interconnection application.

R 460.948 Fast track; customer options meeting.

Rule 48. (1) Upon an applicant's request, the electric utility and the applicant shall schedule a customer options meeting between the electric utility and the applicant to review possible facility modifications, screen analysis, and related results to determine what further steps are needed to permit the DER to be connected safely and reliably to the distribution system. The customer options meeting must take place within 30 business days of the date of notification pursuant to R 460.946(7).

(2) At the customer options meeting, the electric utility shall offer all of the following options:

(a) Proceed to a supplemental review pursuant to R 460.950.

(b) Continue evaluating the interconnection application under the study track pursuant to R 460.952.

(c) Submit within 60 business days from the date of the customer options meeting, with up to 2 submissions during this time period, a complete and conforming revised interconnection application that includes application modifications offered or required by the electric utility, which mitigates or eliminates the factors that caused the interconnection application to fail 1 or more of the initial review screens. After each submission of information, the electric utility has 10 business days to notify the applicant that the interconnection application is either accepted or rejected due to continuing deficiencies. If the applicant does not meet the timelines required by this subrule, the electric utility may withdraw the application. After the electric utility accepts the revised interconnection application, it must proceed under R 460.946(4).

(d) Withdraw the interconnection application.

(3) Following the customer options meeting, the applicant has up to 20 business days to decide on a course of action and notify the electric utility. In the absence of this notification within the required time, the electric utility shall withdraw the application.

(4) The customer options meeting may take place in person or via telecommunications.

R 460.950 Fast track; supplemental review.

Rule 50. (1) An electric utility shall list in its interconnection procedures the supplemental review screens specified in subrule (6) of this rule. An electric utility may add additional details to each of these screens in the interconnection procedures.

(2) An electric utility may include additional supplemental review screens in its interconnection procedures. In its application requesting approval of interconnection procedures, the electric utility shall provide a detailed technical rationale for the inclusion of each supplemental review screen. If an additional screen negates or undermines any of the supplemental review screens specified in subrule (6) of this rule, the rationale must include an explanation of the technical justification for the additional screen.

(3) An electric utility may waive application of 1, some, or all of the supplemental review screens.

(4) To receive a supplemental review, an applicant shall submit payment of the supplemental review fee within 20 business days of agreeing to a supplemental review. If payment of the fee has not been received by the electric utility within 25 business days, the electric utility shall withdraw the interconnection application.

(5) Within 30 business days after the applicant pays the applicable supplemental review fee or fees, an electric utility shall perform a supplemental review and notify the applicant of the results. The supplemental review must consist of applying the initial review screens selected by the electric utility pursuant to subrule (2) of this rule to the proposed DER. The electric utility shall not require a system impact study if the DER passes the applied supplemental review screens.

(6) The supplemental review screens must include all of the following:

(a) Minimum load screen. Where 12 months of line section minimum load data, including onsite load but not station service load served by the proposed DER, are available, can be calculated, can be estimated from existing data, or can be determined from a power flow model, the aggregate DER capacity on the line section must be less than 100% of the minimum load for all line sections bounded by automatic sectionalizing devices upstream of the proposed DER. If minimum load data are not available, or cannot be calculated, estimated, or determined, an electric utility shall include the reason or reasons that it is unable to calculate, estimate, or determine minimum load in its supplemental review results notification under subrules (7) and (8) of this rule. All of the following must be applied by the electric utility:

(i) The type of generation used by the proposed DER will be considered when calculating, estimating, or determining circuit or line section minimum load relevant for the application of the minimum load screen specified in this subdivision. Solar photovoltaic generation systems with no battery storage must use daytime minimum load. All other generation must use absolute minimum load unless an operating schedule is provided.

(ii) When this screen is being applied to a DER that serves some station service load, only the net injection of electric energy into the electric utility's distribution system may be considered as part of the aggregate generation.

(iii) The electric utility shall not consider as part of the aggregate generation, for purposes of this supplemental screen, DER capacity known to be already reflected in the minimum load data.

(b) Voltage and power quality screen. In aggregate with existing generation on the line section, all of the following conditions must be met:

(i) The voltage regulation on the line section can be maintained in compliance with relevant requirements under all system conditions.

(ii) The voltage fluctuation is within acceptable limits as defined by the IEEE Standard 1453-2015, IEEE Recommended Practice for the Analysis of Fluctuating Installations on Power Systems.

(c) Safety and reliability screen. The location of the proposed DER and the aggregate generation capacity on the line section may not create impacts to safety or reliability that require application of the study track to address. An electric utility shall consider all of the following when determining potential impacts to safety and reliability in applying this screen:

(i) Whether the line section has significant minimum loading levels dominated by a small number of customers, such as several large commercial customers.

(ii) Whether the loading along the line section is uniform.

(iii) Whether the proposed DER is located less than 0.5 electrical circuit miles for less than 5 kV or less than 2.5 electrical circuit miles for greater than 5 kV from the substation. In addition, whether the line section from the substation to the point of common coupling is a mainline rated for normal and emergency ampacity.

(iv) Whether the proposed DER incorporates a time delay function to prevent reconnection of the DER to the distribution system until distribution system voltage and frequency are within normal limits for a prescribed time.

(v) Whether operational flexibility is reduced by the proposed DER, such that transfer of the line section or sections of the DER to a neighboring distribution circuit or substation may trigger overloads, power quality issues, or voltage issues.

(vi) Whether the proposed DER employs equipment or systems certified by a recognized standards organization to address technical issues including, but not limited to, islanding, reverse power flow, or voltage quality.

(7) If the proposed interconnection passes the supplemental review, or if the proposed interconnection fails the review but the electric utility determines that the DER may be interconnected consistent with safety, reliability, and power quality standards, the electric utility shall notify the applicant and the interconnection application must proceed pursuant to both of the following:

(a) If the proposed interconnection requires a facilities study, the interconnection application must proceed under R 460.962.

(b) If the proposed interconnection does not require further study, the interconnection application must proceed under R 460.964 to an interconnection agreement.

(8) If the proposed interconnection fails any of the supplemental review screens or the electrical utility is unable to perform a supplemental review screen, and the electric utility does not or cannot determine that the DER may be interconnected consistent with safety, reliability, and power quality standards, the electric utility shall notify the applicant, provide the applicant with the results of the application of the supplemental review screens, and offer both of the following options:

(a) Stop the supplemental review and continue evaluating the proposed interconnection under the study track under R 460.952.

(b) Withdraw the interconnection application.

(9) For subrules (7) and (8) of this rule, if an applicant does not select a course of action within 10 business days of notice from the electric utility, the electric utility shall withdraw the interconnection application.

R 460.952 Study track.

Rule 52. (1) An electric utility shall use the study track to evaluate an interconnection application that has been accepted under R 460.936 if 1 or more of the following conditions is met:

(a) The DER is not eligible for the simplified track, the non-export track, or fast track.

(b) The DER did not pass the initial review screens as part of the fast track and the applicant selected the study track option in the customer options meeting.

(c) The DER did not pass 1 or more supplemental review screens.

(d) The DER was evaluated under the simplified track or the non-export track and further study is required.

(e) The DER is eligible for the fast track, but the applicant elected the study track.

(2) If the interconnection application must be evaluated under the study track because it meets the criteria of subrule (1)(a) of this rule, within 10 business days after the electric utility notifies the applicant that the interconnection application has been accepted pursuant to R 460.936, the electric utility shall provide an individual study agreement or a batch study agreement to the applicant, whichever is applicable under subrule (4) of this rule.

(3) If the interconnection application must be evaluated under the study track because it meets the criteria of subrule (1)(b), (c), (d), or (e) of this rule, within 10 business days after the applicant has notified the electric utility to proceed to the study track, the electric utility shall provide an individual study agreement or a batch study agreement to the applicant, whichever is applicable under subrule (4) of this rule.

(4) An electric utility shall study all interconnection applications that qualify for study track either individually or in a batch study process. An electric utility shall not study 1 or more applications individually and at the same time study 1 or more different applications as part of a batch.

(5) An electric utility's interconnection procedures may include a provision for determining appropriate milestone payments to include with the system impact study fee and facilities impact study fee.

R 460.954 Individual study.

Rule 54. (1) An electric utility that is evaluating DERs in the study track individually shall process the interconnection applications in the order in which the applications were placed into the study track, taking into account withdrawn interconnection applications and electrically remote DERs. An electrically remote DER in an individual study may be studied on an expedited schedule relative to electrically coincident DERs. Electrically remote DERs must be studied in the order the interconnection applications were considered complete.

(2) When an interconnection application is delayed due to an affected system issue, informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or a complaint pursuant to R 792.10439 to R 792.10446, other interconnection applications that were placed into the study track on a later date may progress in the order in which the interconnection applications were placed into the study track.

(3) An individual study process must consist of a system impact study pursuant to R 460.960 and a facilities study pursuant to R 460.962. An electric utility may waive 1 or both studies for a particular interconnection application. An electric utility may specify additional studies it may perform on an interconnection application in its interconnection procedures, provided the electric utility is able to meet all applicable timelines associated with an individual study process.

(4) Interconnection applications that meet all of the following requirements must be admitted into an individual study:

(a) An electric utility has elected to study all interconnection applications that qualify for study track individually.

(b) An electric utility determined the application to be complete and conforming.

(c) An application qualifies for study track pursuant to R 460.952.

(d) An interconnection application has a pre-application report, when required by R 460.936(2).

(e) An applicant has paid all required fees.

(f) An applicant has signed and returned an individual study agreement.

(5) If an electric utility anticipated that it would use a batch study process but received only 1 interconnection application that qualified for the study track, the electric utility shall consider the first day of what would have been the batch study process to be the day the application was determined to be complete and conforming and shall use the individual study process to evaluate the application with all applicable timelines.

R 460.956 Batch study process.

Rule 56. (1) This rule applies only to those electric utilities that have elected to study DERs that qualify for study track in a batch process.

(2) A batch consists of 2 or more interconnection applications that will be studied as a group by the electric utility. One or more DERs in the batch that are electrically remote may be studied on an expedited schedule, but expedited scheduling of 1 or more DERs may not cause unreasonable delays in the evaluation of the other DERs in the same batch.

(3) An electric utility shall process at least 1 batch per year. The start and end dates for each batch study must be published on the electric utility's public website not less than 60 days prior to the start of the batch.

(4) Interconnection applications that meet all of the following requirements must be admitted into a batch study:

- (a) The electric utility elected to study all interconnection applications that qualify for study track in a batch study process.
 - (b) The electric utility considered the application complete and conforming within a 1-year period immediately before the batch study commences.
 - (c) The accepted application qualifies for study track pursuant to R 460.952.
 - (d) The interconnection application has a pre-application report when required by R 460.930(2).
 - (e) The applicant has paid all required fees including any milestone payments as described in the electric utility's interconnection procedures.
 - (f) The applicant has signed a batch study agreement.
- (5) An electric utility shall offer to hold a scoping meeting, either in-person or via telecommunications, with every applicant in a batch. The scoping meetings and the electric utility must meet all of the following requirements:
- (a) All meetings must, to the extent feasible, take place within 30 days of the batch start date.
 - (b) An electric utility shall not begin studies within a batch until it has held a scoping meeting with every applicant who agreed to participate in a meeting. An electric utility may begin the batch study if an applicant is unreasonably delaying a meeting.
 - (c) Scoping meetings are limited to 1 hour per application. Multiple applications by the same applicant may be addressed in the same meeting. An electric utility may meet with multiple applicants in the same meeting if agreed to by the electric utility and all the applicants that will attend the meeting.
 - (d) During the scoping meeting, the electric utility shall identify and communicate to each applicant the studies it plans to perform and estimate the cost of the batch study, using either the fees that comply with R 460.926, or, if interconnection procedures have been approved by the commission, fees that comply with the interconnection procedures. The cost estimate must assume that all applicants will stay in the batch throughout the batch study.
- (6) The batch process must consist of a system impact study pursuant to R 460.960 and a facilities study pursuant to R 460.962. The electric utility may specify additional studies it may perform on a batch study in its interconnection procedures.
- (7) Interconnection applications within a batch must be considered to have equal priority with each other.
- (8) An electric utility shall follow R 460.960(1) and (2) when conducting a system impact study.
 - (9) An electric utility shall follow R 460.962(1) when conducting a facilities study.
 - (10) An electric utility shall provide written study results to each applicant at the completion of each study during the batch study. An electric utility shall offer to hold a conference call with each batch applicant at the completion of each study phase, with the electric utility making reasonable efforts to accommodate applicants' availability when scheduling the call. An electric utility may choose to group the consultation of multiple projects by the applicant and its affiliates into the same conference call. The conference call must provide a summary of outcomes and answer questions from applicant. All conferences regarding the study results should be held within 30 business days following completion of each study phase.
 - (11) Within 45 business days following the completion of each study phase, the applicant shall choose to either continue to the next study phase of the batch study or withdraw. The fee for the next study phase in the batch study is due by the end of the 45 business days, unless extended by the electric utility. An applicant that withdraws from the study may reapply with a new interconnection application.
 - (12) Applicants may reduce the capacity of the DER by up to 20% during the decision period between study phases until the conclusion of the system impact study. If the applicant wants to increase the capacity of the DER, the electric utility may require the applicant to submit a new interconnection application and pay the appropriate fees.

(13) Within 45 business days of the applicant receiving the final batch study report from the electric utility, the applicant shall notify the electric utility of its plan to proceed to R 460.964 for an interconnection agreement or withdraw its interconnection application. If the applicant fails to notify the electric utility within 45 business days, the electric utility may withdraw the interconnection application.

(14) If an interconnection application is delayed due to an affected system issue, informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or a complaint pursuant to R 792.10439 to R 792.10446, the other interconnection applications in the batch must continue to progress through the batch study process. If feasible, considering the status of the batch study, the delayed interconnection application may rejoin the batch study after the affected system issue is resolved. An interconnection application that is the subject of informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or a complaint pursuant to R 792.10439 to R 792.10446, may rejoin the batch study at a later date, if feasible, considering the status of the batch study.

(15) A batch study is considered complete 45 business days after all batch applicants, except those applicants whose DERs are either causing unresolved affected system issues, pursuing informal mediation pursuant to R 460.904, pursuing formal mediation under R 460.906, or pursuing a complaint under R 792.10439 to R 792.10446, have withdrawn, voluntarily or otherwise, or have received the final study results from the electric utility.

R 460.958 Scoping meeting for interconnection applications that are to be studied individually.

Rule 58. (1) This rule applies only to those electric utilities that have elected to individually study DERs that qualify for study track.

(2) Upon request of the applicant, the electric utility and the applicant shall schedule a scoping meeting between the electric utility and the applicant to discuss the interconnection application and review existing fast track results, if any. The scoping meeting must take place within 20 business days after the interconnection application is considered complete by the electric utility or, if applicable, the fast track has been completed and the applicant has elected to continue with the system impact study or facilities study.

(3) Scoping meetings are limited to 1 hour per application. Multiple applications by the same applicant may be addressed in the same meeting.

(4) The scoping meeting may occur in-person or via telecommunications.

(5) During the scoping meeting, the electric utility shall identify and communicate to the applicant whether the applicant must proceed to a system impact study, a facilities study, or an interconnection agreement and the basis for that decision, and 1 of the following must occur:

(a) If a system impact study must be performed, the interconnection application proceeds to R 460.960.

(b) If a facilities study must be performed, the interconnection application proceeds to R 460.962.

(c) The interconnection application must proceed to R 460.964 for an interconnection agreement.

R 460.960 System impact study agreement, scope, procedure, and review meeting.

Rule 60. (1) For all DERs being studied individually or as part of a batch, all of the following apply:

(a) An electric utility shall provide the applicant a system impact study agreement within 5 business days of proceeding to this rule.

(b) A system impact study agreement must include all of the following:

(i) An outline of the scope of the study.

(ii) The applicable fee.

(iii) If necessary, a list of any additional and reasonable technical data needed from the applicant to perform the system impact study.

(iv) A timeline for completion of the system impact study.

(v) A list of the information that must be provided to the applicant in the system impact study report.

(c) An applicant who has requested a system impact study shall return the completed system impact study agreement, provide any additional technical data requested by the electric utility, and pay the required fee within 20 business days. An electric utility may consider the application withdrawn if the system impact study agreement, payment, and required technical data are not returned within 20 business days.

(d) A system impact study must identify and describe the electric system impacts that would result if the proposed DER was interconnected without electric system modifications. A system impact study must provide a non-binding good faith list of facilities that are required as a result of the application and non-binding estimates of costs and time to construct these facilities.

(e) An electric utility shall explain in its interconnection procedures the process for conducting system impact studies on DERs when there is an affected system issue.

(2) For DERs being studied as part of a batch, an electric utility may request reasonable additional data from the applicant during the system impact study. The electric utility and the applicant shall work together to resolve the additional data request so that the electric utility will be able to complete the batch study within the 1-year timeframe specified in R 460.956. An electric utility may not be found in violation of these rules when 1 or more applicants impede the batch study process through applicant delays, demands, complaints, litigation, objections, or other similar actions.

(3) For DERs being studied individually, all of the following shall apply:

(a) The electric utility shall complete the system impact study and the system impact study report. If necessary, the electric utility shall transmit a facilities study agreement to the applicant within 60 business days of receipt of the signed system impact study agreement, payment of all applicable fees, and any necessary technical data.

(b) An electric utility may request reasonable additional data from the applicant within 20 business days of beginning the system impact study. The electric utility and the applicant shall work together to resolve the additional data request so that the electric utility will be able to complete the system impact study within 60 business days as specified in subdivision (a) of this subrule.

(c) Within 15 business days of receiving the system impact study report, the applicant shall notify the electric utility that it plans to pursue a system impact study review meeting, proceed to a facilities study pursuant to R 460.962, or withdraw the application. If the applicant fails to notify the electric utility within 15 business days, the electric utility may consider the application to be withdrawn.

(d) Upon request by the applicant pursuant to subdivision (c) of this subrule, the electric utility and the applicant shall schedule a system impact study review meeting between the electric utility and the applicant to review system impact study results and determine what further steps are needed to permit the DER to be connected safely and reliably to the distribution system. The system impact study review meeting must take place within 25 business days of the electric utility receiving notification that the applicant plans to attend a system impact study review meeting.

(e) At the system impact study review meeting, the electric utility shall offer the applicant all of the following options:

(i) Proceed to a facilities study pursuant to R 460.962.

(ii) Proceed directly to R 460.964 for an interconnection agreement.

(iii) Withdraw the interconnection application.

(f) Following the meeting, the applicant has not more than 45 business days to decide on a course of action. If an applicant fails to notify the electric utility within 45 business days, the electric utility may consider the application to be withdrawn.

(g) The system impact study review meeting may occur in-person or via telecommunications.

R 460.962 Facilities study agreement, scope, procedure; review meeting.

Rule 62. (1) For DERs being studied individually or as part of a batch, all of the following apply:

(a) If construction of facilities is required to provide interconnection and interoperability of the DER with the electric utility's distribution system, the electric utility shall provide the applicant a facilities study agreement and the results of the applicant's system impact study pursuant to R 460.960, if applicable. If no system impact study was performed, the electric utility shall provide a facilities study agreement within 10 business days of proceeding to this rule.

(b) The facilities study agreement must include the following:

(i) An outline of the scope of the study.

(ii) The applicable fee.

(iii) A timeline for completion of the facilities study.

(iv) A list of the information that will be provided to the applicant in the facilities study report.

(c) The applicant shall return the signed facilities study agreement and pay the required facilities study fee within 20 business days. The electric utility may withdraw the application if the facilities study agreement and payment are not returned within 20 business days.

(d) A facilities study must specify and estimate the cost of the required equipment, engineering, procurement, and construction work, including overheads, needed to interconnect the DER, and an estimated timeline for the completion of construction. The electric utility shall provide cost estimates that are detailed and itemized.

(e) The electric utility shall explain in its interconnection procedures the process for conducting facilities studies on DERs while there is an affected system issue.

(2) For DERs being studied individually, all of the following are required:

(a) The electric utility shall complete the facilities study and transmit a facilities study report to the applicant within 80 business days of the receipt of the signed facilities study agreement and payment of the facilities study fee.

(b) Within 10 business days of receiving a facilities study report from the electric utility, the applicant shall select 1 option from the following options:

(i) Request a facilities study review meeting with the electric utility.

(ii) Proceed to an interconnection agreement pursuant to R 460.964.

(iii) Withdraw the interconnection application.

If the applicant fails to inform the electric utility within 10 business days of its chosen course of action, the electric utility may consider the application withdrawn.

(c) Upon request by the applicant pursuant to subdivision (b)(i) of this subrule, the electric utility and the applicant shall schedule a facilities study review to review the facilities study results and determine what further steps are needed to permit the DER to be connected safely and reliably to the distribution system. The facilities study review meeting must take place within 25 business days of the electric utility receiving notification that the applicant will attend a facilities study review meeting.

(d) At the facilities study review meeting, the electric utility shall offer both of the following options:

(i) Proceed to an interconnection agreement pursuant to R 460.964.

(ii) Withdraw the interconnection application.

(e) Following the meeting, the applicant has no more than 20 business days to decide on a course of action and notify the electric utility of this course of action. If the applicant fails to notify the electric utility within 20 business days, the electric utility may withdraw the application.

(f) The facilities study review meeting may be conducted in-person or via telecommunications.

R 460.964 Interconnection agreement.

Rule 64. (1) For level 1, 2, or 3 interconnection applications, where no construction of interconnection facilities or distribution upgrades is required, an electric utility shall provide its standard level 1, 2, and 3 interconnection agreement to an applicant within 3 business days of reaching this stage.

(2) For level 1, 2, or 3 interconnection applications, where construction of interconnection facilities or distribution upgrades is required, an electric utility shall provide its standard level 1, 2, and 3 interconnection agreement with modifications to address required construction activities, construction milestone timing, and cost to an applicant within 5 business days of reaching this stage. The applicant and electric utility shall mutually agree on the timing of construction milestones.

(3) For an applicant with level 1, 2, or 3 interconnection applications, the applicant shall sign and return the standard level 1, 2, and 3 interconnection agreement with payment, if applicable, within 20 business days of receiving the agreement.

(a) If the applicant did not sign and return the standard level 1, 2, and 3 interconnection agreement and payment, if applicable, within 20 business days, the electric utility shall notify the applicant of the missed deadline and grant an extension of 15 business days. If the electric utility did not receive the signed standard level 1, 2, and 3 interconnection agreement and any applicable payment during the 15-business-day extension, the electric utility may consider the interconnection application withdrawn subject to subdivision (b) of this subrule.

(b) If the applicant begins either the informal mediation pursuant to R 460.904, the formal mediation pursuant to R 460.906, or the complaint process pursuant to R 792.10439 to R 792.10446 within the 20 business days, the outcome of that process must establish a time frame for the applicant to return the signed interconnection agreement and any applicable payment.

(4) For level 1, 2, or 3 projects, the electric utility shall countersign and provide a completed copy of the standard level 1, 2, and 3 interconnection agreement within 10 business days of the applicant returning the signed standard level 1, 2, and 3 interconnection agreement.

(5) For level 4 or 5 projects, the electric utility shall provide its level 4 and 5 interconnection agreement within 10 business days of reaching this stage. When construction of interconnection facilities or distribution upgrades is necessary, the level 4 and 5 interconnection agreement must contain either timelines for completion of activities and estimates of construction costs or a timetable when these requirements can be determined. The interconnection agreement must include a payment schedule that corresponds to the milestones established and must require the electric utility to refund any unspent and unobligated funds if the agreement is terminated.

(6) For an applicant with level 4 or 5 DERs, the applicant shall sign and return with payment, if applicable, a level 4 and 5 interconnection agreement within 30 business days.

(a) If the applicant does not sign and return the level 4 and 5 interconnection agreement with payment within 30 business days, an electric utility shall notify the applicant of the missed deadline and grant an extension of 15 business days. If the electric utility does not receive the signed level 4 and 5 interconnection agreement and payment, if applicable, during the 15-business-day extension, the electric utility may consider the interconnection application withdrawn, subject to subdivision (b) of this subrule.

(b) If the applicant begins either the informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or the complaint process pursuant to R 792.10439 to R 792.10446 within 30 business days, the outcome of that process must establish a time frame for the applicant to return the signed interconnection agreement and applicable payment. There is a rebuttable presumption in the complaint proceeding that the electric utility's standard construction, procurement, installation, design, and cost practices are lawful, reasonable, and prudent.

(i) For study track interconnection applications filed with an electric utility conducting batch studies, if either informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or the complaint process pursuant to R 792.10439 to R 792.10446 does not result in the applicant returning a

signed interconnection agreement with any applicable payment prior to the electric utility beginning the study phase of the next batch study pursuant to R 460.956, the electric utility may not include the interconnection application in the system baseline for conducting the next batch study. If the interconnection application is electrically coincident with other interconnection applications in the next batch study, the electric utility may require the withdrawal of the interconnection application.

(ii) For study track interconnection applications filed with an electric utility conducting individual studies, electrically coincident applications filed after the interconnection application must be placed on hold for not more than 60 business days. If either informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or the complaint process pursuant to R 792.10439 to R 792.10446 does not result in the applicant returning a signed interconnection agreement with any applicable payment within 60 business days and there are electrically coincident interconnection applications in progress behind this application, the electric utility may require the withdrawal of the interconnection application.

(7) For level 4 or 5 projects, an electric utility shall countersign and provide a completed copy of the level 4 and 5 interconnection agreement within 10 business days of the applicant returning a mutually agreed-upon and signed level 4 and 5 interconnection agreement.

(8) An applicant shall pay the actual cost of the interconnection facilities and distribution upgrades. The cost to the applicant for interconnection facilities and distribution upgrades may not exceed 110% of the estimate without an itemized summary and explanation of cost increases being provided to the applicant prior to being incurred. The cost may not exceed 125% of the estimate without the consent of the applicant prior to the costs being incurred.

(9) A party's obligations under the interconnection agreement may be extended by agreement. If a party anticipates that it will be unable to meet a milestone for any reason other than an unforeseen event, the party shall do all of the following:

- (a) Immediately notify the other party of the reason or reasons for not meeting the milestone.
- (b) Propose the earliest alternate date when it can attain this and future milestones.
- (c) Request amendments to the interconnection agreement, if needed to address the changed milestones.

(10) The party affected by the failure to meet a milestone shall not withhold agreement to any amendments proposed in subrule (9)(c) of this rule unless 1 of the following applies:

- (a) The party affected will suffer significant uncompensated economic or operational harm from the amendment or amendments.
- (b) The milestone under question has been previously delayed.
- (c) The affected party has reason to believe that the delay in meeting the milestone is intentional or unwarranted notwithstanding the circumstances explained by the party proposing the amendment.

(11) If the party affected by the failure to meet a milestone disputes the proposed extension, the affected party may pursue either informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or the complaint process pursuant to R 792.10439 to R 792.10446.

(12) The electric utility shall provide the applicant with a final accounting report of any difference between costs charged to the applicant and previous payments to the electric utility for interconnection facilities or distribution upgrades. Both of the following apply regarding the final accounting:

- (a) If the costs charged to the applicant exceed its previous aggregate payments, the electric utility shall bill the applicant for the amount due and the applicant shall make a payment to the electric utility within 20 business days of the final accounting report. The applicant may dispute the invoice pursuant to either informal mediation pursuant to R 460.904, formal mediation pursuant to R 460.906, or the complaint process pursuant to R 792.10439 to R 792.10446. If there is a dispute, the applicant shall make payment within 30 business days of final resolution of the dispute. Failure by the applicant to pay its costs is cause for disconnection of the applicant's DER.

(b) If the applicant's previous aggregate payments exceed its costs under the construction agreement, the electric utility shall refund to the applicant an amount equal to the difference within 20 business days of the final accounting report.

(13) The electric utility is responsible for specifying requirements in interconnection agreements to support independent system operator regulations or regional transmission operator regulations.

(14) The electric utility may propose to the commission that a signed interconnection agreement be modified to require compliance with changes to an independent system operator, a regional transmission operator, or the state's regulations, provided that these modifications do not alter the rights or obligations of the interconnection customer.

R 460.966 Inspection, testing, and commissioning.

Rule 66. (1) If the interconnection application requires telecommunications, cybersecurity, data exchange or remote controls operation, successful testing and certification of these items must be completed prior to or during testing. The electric utility's interconnection procedures must describe the technical requirements of these items.

(2) An applicant shall notify the electric utility when installation of a DER and any required local code inspection and approval is complete. The applicant shall provide any test reports or configuration documents as defined in the standard level 1, 2, and 3 interconnection agreement or level 4 and 5 interconnection agreement.

(3) The electric utility shall review the applicant's inspection, test reports, or configuration documents, and communicate its intent to perform a witness or commissioning test, or waive its right to perform a witness test and commissioning test within 10 business days.

(4) If the electric utility intends to witness or perform commissioning tests required to comply with the interconnection agreement or the interconnection procedures and inspect the DER, the electric utility shall witness or perform the commissioning tests and inspect the DER within either of the following:

(a) Ten business days of receiving the notification from the applicant pursuant to subrule (2) of this rule, for level 1, 2, and 3 applications.

(b) A mutually-agreed upon timeframe after receiving the notification from the applicant pursuant to subrule (2) of this rule for level 4 and 5 applications.

(5) The electric utility may waive its right to visit the site and inspect the DER or perform the commissioning tests. If the electric utility waives this right, both of the following apply:

(a) It shall provide a written waiver to the applicant within 10 business days from receiving the notification from the applicant pursuant to subrule (2) of this rule.

(b) The applicant shall provide the electric utility with the completed commissioning test report within 20 business days of receipt of the electric utility's written waiver.

(6) If the electric utility attempts to conduct the inspection and testing pursuant to subrule (4) of this rule at the arranged time and is unable to access the DER or complete the testing, the DER must remain disconnected until the applicant and the electric utility can complete the inspection and testing.

(7) If the electric utility witnessed or performed commissioning tests and inspected the DER pursuant to subrule (4) of this rule, within 5 business days of the receipt of the completed commissioning test report, the electric utility shall notify the applicant whether it has accepted or rejected the commissioning test report and found the site to be satisfactory or unsatisfactory.

(a) If the commissioning test report is accepted and the site was found satisfactory, the electric utility shall provide the notification of acceptance in writing, and the interconnection application proceeds to R 460.968.

(b) If the electric utility rejects the commissioning test report or did not find the site satisfactory, the electric utility shall provide its reasons for doing so in writing and the applicant has not less than 20

business days to implement corrections. The applicant, after taking corrective action, shall request the electric utility to reconsider its findings. The applicant may be billed the actual cost of any re-inspections.

(8) If the electric utility waived its right to witness or perform commissioning tests and inspect the DER pursuant to subrule (5) of this rule, within 5 business days of the receipt of the completed commissioning test report, the electric utility shall notify the applicant whether it has accepted or rejected the commissioning test report as follows:

(a) If the commissioning test report is accepted, the electric utility shall provide notification of acceptance, and the interconnection application proceeds to R 460.968.

(b) If the electric utility rejects the commissioning test report, the electric utility shall provide its reasons for doing so in writing and the applicant has not less than 20 business days to implement corrections. The applicant, after taking corrective action, may then request the electric utility to reconsider its findings.

(9) The cost of testing and inspection for applicants participating in an electric utility's distributed generation program, as described in part 3 of these rules, R 460.1001 to R 460.1026, are considered a cost of operating a distributed generation program and must be recovered pursuant to section 175(1) of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1175.

(10) If the applicant does not notify the electric utility that the DER is installed and ready to test pursuant to subrule (2) of this rule, the electric utility may, in writing, query the status of the interconnection. If the applicant does not provide a written response within 10 business days or no progress is evident, the electric utility may consider the interconnection application withdrawn.

R 460.968 Authorization required prior to parallel operation.

Rule 68. (1) The electric utility shall provide to the applicant written authorization to operate in parallel with the electric utility within 5 business days of all of the following conditions being met:

(a) The electric utility notified the interconnection applicant that the commissioning test and inspection, where applicable, are accepted.

(b) The applicant complied with all applicable parallel operation requirements as set forth in the electric utility's interconnection procedures and applicable interconnection agreement.

(c) The applicant complied with all applicable local, state, and federal requirements.

(d) The electric utility received full payments for all outstanding bills.

(2) With the written authorization, interconnection of the DER is considered approved for parallel operation, the DER may begin operating, and the applicant is considered an interconnection customer.

(3) The applicant shall not operate its DER in parallel with the electric utility's distribution system without prior written permission to operate from the electric utility.

(4) Subject to reasonable timing and other conditions, including completion of conditions in the interconnection agreement or interconnection procedures, the electric utility shall allow for reasonable but limited testing before written authorization has occurred.

R 460.970 Cost allocation of interconnection facilities and distribution upgrades.

Rule 70. Costs for interconnection facilities and distribution upgrades must be classified into 1 of the following categories:

(a) Site-specific costs, which include, but are not limited to, costs of interconnection facilities and distribution upgrades that are caused by 1 DER, whether that DER is electrically co-incident with other DERs. These costs must be assigned to the cost-causing applicant.

(b) Shared interconnection facilities costs, which are costs caused by DERs which together necessitate the construction of interconnection facilities. The interconnection facilities costs that should be shared

must be allocated to each applicant based on a methodology described in the electric utility's interconnection procedures.

(c) Shared distribution upgrade costs, which are costs caused by electrically co-incident DERs that together necessitate a distribution upgrade. The distribution upgrade costs that should be shared must be allocated to each applicant based on a methodology described in the electric utility's interconnection procedures.

R 460.974 Interconnection metering and communications.

Rule 74. (1) Any metering and communications requirements necessitated by use of the DER must be installed at the applicant's expense. The electric utility may furnish this equipment at the applicant's expense.

(2) The electric utility may charge the interconnection customer reasonable ongoing fees to maintain the metering and communications equipment. These fees must be listed in the interconnection agreement.

R 460.976 Post commissioning remedy.

Rule 76. (1) If the electric utility finds that the DER is operating outside the terms of the interconnection agreement but does not find immediate disconnection pursuant to R 460.978(1)(f) and (g) warranted, the electric utility shall promptly inform the interconnection customer or its agent of this finding. The interconnection customer is responsible for bringing the DER into compliance within 30 business days or a mutually agreed-upon time period. The electric utility may perform an inspection of the DER after a remedy is applied.

(2) If the DER is not brought into compliance within 30 business days or the mutually agreed-upon time period, the electric utility may apply a remedy and bill the interconnection customer. The interconnection customer shall pay this bill within 5 business days.

R 460.978 Disconnection.

Rule 78. (1) An electric utility may refuse to connect or may disconnect a project from the distribution system if any of the following conditions apply:

- (a) Failure of the interconnection customer to bring a DER into compliance pursuant to R 460.976(1).
- (b) Failure of the interconnection customer to pay costs of remedy pursuant to R 460.976(2).
- (c) Termination of interconnection by mutual agreement.
- (d) Distribution system emergency, but only for the time necessary to resolve the emergency.
- (e) Routine maintenance, repairs, and modifications performed in a reasonable time and with prior notice to the interconnection customer.
- (f) Noncompliance with technical or contractual requirements in the interconnection agreement that could lead to degradation of distribution system reliability, electric utility equipment, and electric customers' equipment.
- (g) Noncompliance with technical or contractual requirements in the interconnection agreement that presents a safety hazard.
- (h) Other material noncompliance with the interconnection agreement.
- (i) Operating in parallel without prior written authorization from the electric utility as provided for in R 460.968.
- (2) An electric utility may disconnect electric service, where applicable, pursuant to R 460.136.

R 460.980 Capacity of the DER.

Rule 80. (1) If the interconnection application requests an increase in capacity for an existing DER, the electric utility shall evaluate the application based on the new nameplate capacity of the DER. The maximum capacity of a DER is the aggregate nameplate capacity or may be limited as described in the electric utility's interconnection procedures.

(2) An interconnection application for a DER that includes single or multiple types of DERs at a site for which the applicant seeks a single point of common coupling must be evaluated as described in the electric utility's interconnection procedures.

(3) The electric utility's interconnection procedures must describe acceptable methods for power limited export DER including, but not limited to, reverse power protection and utilizing inverters or control systems so that the DER capacity considered by the electric utility for reviewing the interconnection application is only the amount capable of being exported.

R 460.982 Modification of the interconnection application.

Rule 82. (1) At any point after an interconnection application is considered accepted but before the signing of an interconnection agreement, the applicant, the electric utility, or the affected system owner may propose modifications to the interconnection application that may improve the costs and benefits of the interconnection, or that improve the ability of the electric utility to accommodate the interconnection. The applicant shall submit to the electric utility, in writing, all proposed modifications to any information provided in the interconnection application and the electric utility shall perform a cursory evaluation to determine whether the proposed modification is a material modification and provide the results to the applicant within 10 business day.

(2) The electric utility shall not be required to accept or implement a modification to the electric utility's distribution system or generation assets that is proposed by an applicant or affected system operator.

(3) Neither the electric utility nor the affected system operator may unilaterally modify an accepted interconnection application. If the electric utility evaluates DERs using individual studies, the timelines specific to that interconnection application must be placed on hold while the proposed modification is being evaluated by the electric utility.

(4) For a proposed modification which the electric utility has determined is a material modification, the applicant may request a material modification review to determine whether the material modification is an acceptable material modification or an unacceptable material modification. The electric utility shall complete the material modification review and determine which of the following options are available to the applicant:

(a) If the modification is an unacceptable material modification, the applicant may withdraw the modification or withdraw the application.

(b) If the modification is an acceptable material modification and requires minimal or no restudy, the application study activities will resume with the modification and no change to the timing.

(c) If the modification is an acceptable material modification but requires restudy, the electric utility shall expedite the restudy. The applicant shall pay any required fee for the expedited restudy.

(5) The applicant may request a 1-hour consultation to discuss the results of the material modification review.

(6) The applicant shall notify the electric utility of its selection pursuant to subrule (4) of this rule within 10 business days of receiving the electric utility notification of the results or the modification may be considered withdrawn.

(7) If the proposed modification is determined not to be a material modification or is determined to be an acceptable material modification, the electric utility shall notify the applicant that the proposed modification has been accepted.

(8) If the modification is considered an unacceptable material modification, the applicant shall withdraw the proposed modification, or initiate mediation pursuant to R 460.904 or R 460.906, or file a complaint pursuant to R 792.10439 to R 792.10446 within 10 business days of receipt of the decision, or proceed with a new interconnection application for this modification. If the applicant does not provide its determination within the 10 business days, the electric utility may consider the interconnection application withdrawn.

(9) Any modification to the interconnection application or to the DER that could affect the operation of the distribution system, including but not limited to, changes to machine data, equipment configuration, or the interconnection site of the DER, not agreed to in writing by the electric utility and the applicant may be treated by the electric utility as a withdrawal of the interconnection application requiring submission of a new interconnection application.

(10) At any point prior to the execution of an interconnection agreement, changes to ownership will cause the interconnection application to be put on hold until the new owner signs all necessary agreements and documents. An electric utility may not be found in violation of these rules related to the processing of the interconnection application during such a transfer of ownership.

(11) Replacing a component with another component that has near-identical characteristics does not constitute a material modification.

(12) The electric utility's interconnection procedures must provide examples of modification that are not material modifications, acceptable material modifications, and unacceptable material modifications.

(13) The electric utility's interconnection procedures must provide a procedure for performing a material modification review.

R 460.984 Modifications to the DER.

Rule 84. After the execution of the interconnection agreement, the applicant shall notify the electric utility of any plans to modify the DER. The electric utility shall review the proposed modification to determine if the modification is considered a material modification. If the electric utility determines that the modification is a material modification, the electric utility shall notify the applicant, in writing of its determination and the applicant shall submit a new application and application fee along with all supporting materials that are reasonably requested by the electric utility. The applicant may not begin any material modification to the DER until the electric utility has accepted the new interconnection application and completed at least one of the following:

- (a) An initial review.
- (b) A supplemental review.
- (c) A system impact study.
- (d) A facilities study.

R 460.986 Insurance.

Rule 86. (1) An applicant interconnecting a level 1 or 2 project to the distribution system of an electric utility may not be required by the electric utility to obtain any additional liability insurance.

(2) An electric utility shall not require an applicant interconnecting a level 1 or 2 project to name the electric utility as an additional insured party.

(3) For a level 3 project, the applicant shall obtain and maintain general liability insurance of a minimum of \$1,000,000.

(4) For a level 4 project, the applicant shall obtain and maintain general liability insurance of a minimum of \$2,000,000.

(5) For a level 5 project, the applicant shall obtain and maintain general liability insurance of a minimum of \$3,000,000.

R 460.988 Easements and rights-of-way.

Rule 88. If an electric utility line extension is required to accommodate an interconnection, the applicant is responsible for procurement and the cost of providing and obtaining easements or rights-of-way.

R 460.990 Interconnection penalties.

Rule 90. Pursuant to section 10e of 1939 PA 3, MCL 460.10e, an electric utility shall take all necessary steps to ensure that DERs are connected to the distribution systems within their operational control. If the commission finds, after notice and hearing, that an electric utility has prevented or unduly delayed the ability of a DER greater than 100 kW to connect to the distribution system of the electric utility, the commission may order remedies designed to make whole the applicant proposing the DER, including, but not limited to, reasonable attorney fees. If the electric utility violates this rule, the commission may order fines of not more than \$50,000 per day, commensurate with the demonstrated impact of the violation.

R 460.991 Catastrophic conditions.

Rule 91. An electric utility shall notify the commission and all applicants that have in-process applications when timelines are being extended due to catastrophic conditions as defined in R 460.702(f). The electric utility shall also notify the commission and all applicants that have in-process applications when application processing resumes.

R 460.992 Electric utility annual reports.

Rule 92. An electric utility shall file an annual interconnection report on a date and in a format determined by the commission.

PART 3. DISTRIBUTED GENERATION PROGRAM STANDARDS

R 460.1001 Application process.

Rule 101. (1) An electric utility shall file initial distributed generation program tariff sheets in the first rate case filed after June 1, 2018.

(2) Within 30 days of a commission order approving an electric utility's initial distributed generation tariff, or within 30 days of the effective date of these rules, whichever is later, an alternative electric supplier serving customers in that electric utility's service territory shall file an updated distributed generation program plan applicable to its customers in the affected electric utility's service territory.

(3) An electric utility and an alternative electric supplier shall annually file a legacy net metering program report and, if applicable, a distributed generation program report not later than March 31 of each year.

(4) An electric utility and an alternative electric supplier shall maintain records of all applications and up-to-date records of all eligible electric generators participating in the legacy net metering program and distributed generation program.

(5) Selection of customers for participation in the legacy net metering program or distributed generation program must be based on the order in which the applications are received.

(6) An electric utility or alternative electric supplier shall not refuse to provide or discontinue electric service to a customer solely because the customer participates in the legacy net metering program or distributed generation program.

(7) The legacy net metering program and distributed generation program provided by electric utilities and alternative electric suppliers must be designed for a period of not less than 10 years and limit each applicant to generation capacity designed to meet up to 100% of the customer's electricity consumption for the previous 12 months.

(a) The generation capacity must be determined by an estimate of the expected annual kWh output of the generator or generators as determined in an electric utility's interconnection procedures and specified on an electric utility's legacy net metering program or distributed generation program tariff sheet or in the alternative electric supplier's legacy net metering program or distributed generation program plan. For projects in which energy export controls are implemented pursuant to section R 460.980 and utilized to limit the export to 100% of the customer's electricity consumption for the previous 12 months, an electric utility shall not add the storage capacity to generation capacity for the purpose of the study. If a customer has multiple inverters capable of exporting to the distribution grid, the inverters must be configured in a way that prevents the cumulative maximum export at any given time to exceed the approved amount in the customer's application.

(b) A customer's electric consumption must be determined by 1 of the following methods:

(i) The customer's annual energy consumption, measured in kWh, during the previous 12-month period.

(ii) If there is no data, incomplete data, or incorrect data for the customer's energy consumption or the customer is making changes on-site that will affect total consumption, the electric utility or alternative electric supplier and the customer shall mutually agree on a method to determine the customer's electric consumption.

(c) A net metering or distributed generation customer using an energy storage device in conjunction with an eligible electric generator shall not design or operate the energy storage device in a manner that results in the customer's electrical output exceeding 100% of the customer's electricity consumption for the previous 12 months. Energy storage devices must be configured to prevent export of stored electricity to the distribution system. The addition of an energy storage device to an existing approved legacy net metering program system or distributed generation program system is considered a material modification. The electric utility interconnection procedures must include details describing how energy storage equipment may be integrated into an existing legacy net metering program system without impacting the 10-year grandfathering period.

(8) An applicant shall notify the electric utility of plans for any material modification to the project. An applicant shall re-apply for interconnection pursuant to part 2 of these rules, R 460.911 to R 460.992, and submit revised legacy net metering program or distributed generation program application forms and associated fees. An applicant may be eligible to continue participation in the legacy net metering program or distributed generation program when a material modification is made to a customer's previously approved system and it does not violate the requirements of subrule (7) of this rule. An applicant shall not begin any material modification to the project until the electric utility has approved the revised application, including any necessary system impact study or facilities study. The application must be processed pursuant to part 2 of these rules, R 460.911 to R 460.992.

R 460.1004 Legacy net metering program application and fees.

Rule 104. (1) An electric utility or alternative electric supplier may use an online legacy net metering program application process. An electric utility or alternative electric supplier not using an online application process, may utilize a uniform legacy net metering program application form which must be approved by the commission. An electric utility's legacy net metering program application may be combined with an electric utility's interconnection application.

(2) A customer taking retail electric service from an electric utility and applying to participate in the legacy net metering program shall concurrently submit a completed legacy net metering program application and interconnection application or indicate on the legacy net metering program application the date that the customer applied for interconnection with the electric utility and, if applicable, the date the customer received authorization to operate in parallel pursuant to R 460.968.

(a) Where a legacy net metering program application is accompanied by an associated interconnection application, an electric utility shall complete its review of the legacy net metering program application in parallel with processing the interconnection application pursuant to part 2 of these rules, R 460.911 to R 460.992.

(i) Combined with the notification of interconnection application completeness and conformance pursuant to R 460.936, the electric utility shall notify the customer whether the legacy net metering program application is accepted, and provide an opportunity for the customer to resolve any application deficiencies pursuant to the timelines in R 460.936(7)(b) or withdraw the application, or the electric utility may consider the legacy net metering program application withdrawn without refund of the application fees.

(ii) While processing the interconnection application, which may include, but is not limited to, R 460.940 simplified track or R 460.946 fast track initial review, the electric utility shall determine whether the appropriate meter or meters, is installed for the legacy net metering program.

(b) When a legacy net metering program application is filed with an already in-progress interconnection application, the utility may process the legacy net metering application in parallel with the interconnection application pursuant to part 2 of these rules, R 460.911 to R 460.992, and subdivision (a) of this subrule, if practicable, or adopt the review process pursuant to subdivision (c) of this subrule.

(c) When a legacy net metering program application is filed with an in-progress interconnection application and the electric utility determines it is not practicable to process the legacy net metering program application in parallel with the interconnection application, or when the legacy net metering application is filed subsequent to the customer receiving authorization to operate its eligible generator in parallel pursuant to R 460.968, the electric utility shall process the legacy net metering program application pursuant to both of the following:

(i) The electric utility shall review the legacy net metering program application and determine whether to accept the application pursuant to the timelines in R 460.936(6) and (7) within 10 business days. The timelines in R 460.936(7)(a) apply to electric utility notifications. The electric utility shall provide the customer an opportunity to resolve any application deficiencies pursuant to R 460.936(7)(b). If the customer fails to remedy the deficiency within the timelines pursuant to R. 460.936(7)(b), the electric utility may consider the legacy net metering application withdrawn without refund of the application fees.

(ii) Within 10 business days of notifying the customer that the legacy net metering application has been accepted, the electric utility shall determine whether the appropriate meter is installed for the legacy net metering program.

(d) If a customer approved for participation in the legacy net metering program requires a new or additional meter or meters, the electric utility shall arrange with the customer to install the meter or meters at a mutually agreed upon time.

(e) The electric utility shall complete changes to the customer's account to permit the distributed generation program credit to be applied to the account no more than 10 business days after the necessary meter is installed and all necessary steps in R 460.966 are completed.

(3) A customer taking retail electric service from an alternative electric supplier shall submit a completed legacy net metering program application to the alternative electric supplier and provide a copy to the electric utility that provides distribution service.

(a) The electric utility shall process the legacy net metering program application according to the applicable timelines in subrule (2)(a) through (d) of this rule.

(b) The electric utility shall notify the alternative electric supplier when it has provided the applicant authorization to operate the eligible electric generator in parallel pursuant to R 460.968 and, if applicable, that installation of the appropriate meter or meters is completed.

(c) Within 10 business days of the electric utility's notification, the alternative electric supplier shall complete changes to the applicant's account to permit the legacy net metering program credit to be applied to the account.

(4) If a legacy net metering program application is not approved by the alternative electric supplier, the alternative electric supplier shall notify the customer and the electric utility of the reasons for the disapproval. The alternative electric supplier shall provide the customer an opportunity to remedy the deficiency pursuant to the timelines in R 460.936(7)(b) or withdraw the application. If the customer fails to remedy the deficiency within the timelines pursuant to R. 460.936(7)(b), the alternative electric supplier and electric utility may consider the legacy net metering application withdrawn without refund of the application fees.

(5) If a customer's application for the legacy net metering program is approved, the customer shall have a completed and approved installation within 6 months from the date the customer's application is considered complete, or the electric utility or alternative electric supplier may terminate the application without refund and shall have no further responsibility with respect to the application.

(6) Customers participating in a legacy net metering program approved by the commission before the commission establishes a tariff pursuant to section 6a(14) of 1939 PA 3, MCL 460.6a, may elect to continue to receive service under the terms and conditions of that program for up to 10 years from the date of initial enrollment.

(7) The legacy net metering program application fee for electric utilities and alternative electric suppliers may not exceed \$50. The fee must be specified on the electric utility's legacy net metering tariff sheet or in the alternative electric supplier's legacy net metering program plan.

R 460.1006 Distributed generation program application and fees.

Rule 106. (1) An electric utility or alternative electric supplier may use an online distributed generation program application process. An electric utility or alternative electric supplier not using an online application process may utilize a uniform distributed generation program application form that must be approved by the commission. An electric utility's distributed generation program application may be combined with an electric utility's interconnection application.

(2) A customer taking retail electric service from an electric utility and applying to participate in the distributed generation program shall concurrently submit a completed distributed generation program application and interconnection application or indicate on the distributed generation program application the date that the customer applied for interconnection with the electric utility and, if applicable, the date

the customer received authorization to operate in parallel pursuant to R 460.968. The following shall also apply.

(a) When a distributed generation program application is accompanied by an associated interconnection application, an electric utility shall complete its review of the distributed generation program application in parallel with processing the interconnection application pursuant to part 2 of these rules, R 460.911 to R 460.992.

(i) Combined with the notification of interconnection application completeness and conformance pursuant to R 460.936, an electric utility shall notify the customer whether the distributed generation program application is accepted, and provide an opportunity for the customer to remedy any application deficiencies pursuant to the timelines in R 460.936(7)(b) or withdraw the application. If the customer fails to remedy the application deficiencies within the timelines in R 460.936(7)(b), the electric utility may consider the distributed generation program application withdrawn without refund of the application fees.

(ii) While processing the interconnection application, which may include, but is not limited to, R 460.940 simplified track or R 460.946 fast track initial review, the electric utility shall determine whether the appropriate meter is installed for the distributed generation program.

(b) If a distributed generation program application is filed with an already in-progress interconnection application, the electric utility may process the distributed generation program application in parallel with the interconnection application pursuant to part 2 of these rules, R 460.911 to R 460.992, and subdivision (a) of this subrule, if practicable, or adopt the review process pursuant to subdivision (c) of this subrule.

(c) If a distributed generation program application is filed with an in-progress interconnection application and the electric utility determines it is not practicable to process the distributed generation program application in parallel with the interconnection application or the distributed generation application is filed subsequent to the customer receiving authorization to operate its eligible generator in parallel pursuant to R 460.968, the electric utility shall process the distributed generation program application pursuant to all of the following:

(i) The electric utility has 10 business days to review the distributed generation program application and determine whether to accept the application pursuant to the timelines in R 460.936(6) and (7). The timelines in R 460.936(7)(a) apply to utility notifications. The electric utility shall provide the customer an opportunity to remedy any application deficiencies pursuant to R 460.936(7)(b). If the customer fails to remedy the application deficiencies within the timelines in R 460.936(7)(b), the electric utility may consider the distributed generation program application withdrawn without refund of the application fees.

(ii) Within 10 business days of providing notification to the customer that the distributed generation program application has been accepted, the electric utility shall determine whether the appropriate meter, or meters, is installed for the distributed generation program.

(d) If a customer approved for participation in the distributed generation program requires a new or additional meter or meters, the electric utility shall arrange with the customer to install the meter or meters at a mutually agreed upon time.

(e) The electric utility shall complete changes to the customer's account to permit distributed generation program credit to be applied to the account no more than 10 business days after the necessary meter is installed and all necessary steps in R 460.966 are completed.

(3) A customer taking retail electric service from an alternative electric supplier shall submit a completed distributed generation program application to the alternative electric supplier and provide a copy to the electric utility that provides distribution service.

(a) The alternative electric supplier shall process the distributed generation program application according to the applicable timelines in subrule (2)(a) through (d) of this rule.

(b) The electric utility shall notify the alternative electric supplier when it has provided the applicant authorization to operate the eligible electric generator in parallel pursuant to R 460.968 and, if applicable, that installation of the appropriate meter or meters is completed.

(c) Within 10 business days of the electric utility's notification, the alternative electric supplier shall complete changes to the applicant's account to permit distributed generation program credit to be applied to the account.

(4) If a distributed generation program application is not approved by the alternative electric supplier, the alternative electric supplier shall notify the customer and the electric utility of the reasons for the disapproval. The alternative electric supplier shall provide the customer an opportunity to remedy the deficiency pursuant to the timelines in R 460.936(7)(b) or withdraw the application. If the customer fails to remedy the application deficiencies within the timelines in R 460.936(7)(b), the alternative electric supplier and electric utility may consider the distributed generation program application withdrawn without refund of the application fees.

(5) If a customer's distributed generation program application is approved, the customer shall have a completed and approved installation within 6 months from the date the customer's application is considered complete, or the electric utility or alternative electric supplier may consider the application withdrawn without refund and shall have no further responsibility with respect to the application.

(6) The distributed generation program application fee for electric utilities and alternative electric suppliers shall not exceed \$50. The electric utility shall specify the fee on the electric utility's distributed generation program tariff sheet or in the alternative electric supplier's distributed generation program plan.

(7) The customer shall pay all interconnection costs pursuant to part 2 of these rules, R 460.911 to R 460.992, which include all electric utility costs associated with the customer's interconnection that are not a distributed generation program application fee, excluding meter costs as described in R 460.1012 and R 460.1014.

R 460.1008 Legacy net metering program and distributed generation program size.

Rule 108. (1) If an electric utility or alternative electric supplier reaches the program sizes as defined in section 173(3) of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1173, as determined by combining both the distributed generation program and the legacy net metering program customer enrollments, the electric utility or alternative electric supplier shall notify the commission.

(2) The electric utility or alternative electric supplier shall notify the commission of its plans to either close the program to new applicants or expand the program.

(3) The electric utility shall file corresponding revised legacy net metering program or distributed generation program tariff sheets.

(4) The alternative electric supplier shall file a revised legacy net metering program plan or distributed generation program plan.

R 460.1010 Generation and legacy net metering program or distributed generation program equipment.

Rule 110. New legacy net metering program or distributed generation program equipment and its installation must meet all current local and state electric and construction code requirements, and other standards as specified in part 2 of these rules, R 460.911 to R 460.992.

R 460.1012 Meters for legacy net metering program.

Rule 112. (1) For a customer with a generation system capable of generating 20 kWac or less, an electric utility may determine the customer's net usage using the customer's existing meter if it is capable of reverse registration or may install a single meter with separate registers measuring power flow in each direction. If the electric utility uses the customer's existing meter, the electric utility shall test and calibrate the meter to assure accuracy in both directions. If the customer's meter is not capable of reverse registration and if meter upgrades or modifications are required, the following apply:

(a) An electric utility serving 1,000,000 or more customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions at no additional charge to the legacy net metering program customer. The cost of the meter or meter modification is considered a cost of operating the legacy net metering program.

(b) An electric utility serving fewer than 1,000,000 customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions to customers at cost. Only the incremental cost above that for the meter provided by the electric utility to similarly situated non-generating customers shall be paid by the eligible customer.

(c) An electric utility shall provide a generator meter, if requested by the customer, at cost.

(2) For a customer with a generation system capable of generating more than 20 kWac and not more than 150 kWac, the electric utility shall utilize a meter or meters capable of measuring the flow of energy in both directions and the generator output. If meter upgrades are necessary to provide this functionality, all of the following apply:

(a) An electric utility serving 1,000,000 or more customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions at no additional charge to a legacy net metering program customer. The cost of the meter or meters is considered a cost of operating the legacy net metering program.

(b) An electric utility serving fewer than 1,000,000 customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions to customers at cost. Only the incremental cost above that for meters provided by the electric utility to similarly situated non-generating customers shall be paid by the eligible customer.

(c) An electric utility shall provide a generator meter. The cost of the meter is considered a cost of operating the legacy net metering program.

(3) For a customer with a generation system capable of generating more than 150 kWac, the electric utility shall utilize a meter or meters capable of measuring the flow of energy in both directions and the generator output. If meter upgrades are necessary to provide this functionality, the customer shall pay the cost of providing any new meters.

(4) An electric utility deploying advanced metering infrastructure shall not charge the cost of advanced meters to a legacy net metering program participant or the legacy net metering program.

R 460.1014 Meters for distributed generation program.

Rule 114. (1) For a customer with a generation system capable of generating 20 kWac or less, an electric utility shall determine the customer's power flow in each direction using the customer's existing meter if it is capable of measuring and recording power flow in each direction. If the customer's meter is not capable of measuring and recording the customer's power flow in each direction and if meter upgrades or modifications are required, all of the following apply:

(a) An electric utility serving 1,000,000 or more customers in this state shall provide a meter or meters capable of measuring and recording the customer's power flow in each direction at no additional charge to the distributed generation program customer. The cost of the meter or meter modification is considered a cost of operating the distributed generation program.

(b) An electric utility serving fewer than 1,000,000 customers in this state shall provide a meter or meters capable of measuring and recording the power flow in each direction to customers at cost. Only the incremental cost above the cost for the meter provided by the electric utility to similarly situated non-generating customers shall be paid by the eligible customer.

(c) An electric utility shall provide a generator meter at cost, if requested by the customer.

(2) For a customer with a generation system capable of generating more than 20 kWac and not more than 150 kWac, an electric utility shall utilize a meter or meters capable of measuring and recording power flow in each direction and the generator output. If the customer's meter is not capable of measuring and recording the customer's power flow in each direction along with the generator output, and if meter upgrades or modifications are required, all of the following apply:

(a) An electric utility serving 1,000,000 or more customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions at no additional charge to a distributed generation program customer. If the electric utility provides the upgraded meter at no additional charge to the customer, the cost of the meter is considered a cost of operating the distributed generation program.

(b) An electric utility serving fewer than 1,000,000 customers in this state shall provide a meter or meters capable of measuring the flow of energy in both directions to customers at cost. Only the incremental cost above the cost for the meter provided by the electric utility to similarly situated non-generating customers shall be paid by the eligible customer.

(c) An electric utility shall provide a generator meter. The cost of the meter shall be considered a cost of operating the distributed generation program.

(3) For a customer with a methane digester generation system capable of generating more than 150 kWac, an electric utility shall utilize a meter or meters capable of measuring the flow of energy in both directions and the generator output. If meter upgrades are necessary to provide such functionality, the customer shall pay the cost of providing any new meters.

(4) An electric utility deploying advanced metering infrastructure shall not charge the cost of advanced meters to a distributed generation program customer or the distributed generation program.

R 460.1016 Billing and credit for legacy net metering program customers taking service under true net metering.

Rule 116. (1) Legacy net metering program customers with a system capable of generating 20 kWac or less qualify for true net metering. For customers qualifying for true net metering, the net of the bidirectional flow of kWh across the customer interconnection with the electric utility distribution system during the billing period or during each time-of-use pricing period within the billing period, including excess generation, shall be credited at the full retail rate.

(2) The credit for excess generation, if any, shall appear on the next bill. Any excess credit not used to offset current charges must be carried forward for use in subsequent billing periods.

R 460.1018 Billing and credit for legacy net metering program customers taking service under modified net metering.

Rule 118. (1) Legacy net metering program customers with a system capable of generating more than 20 kWac qualify for modified net metering. A negative net metered quantity during the billing period or during each time-of-use pricing period within the billing period reflects net excess generation for which the customer is entitled to receive credit. Standby charges for customers on an energy rate schedule must equal the retail distribution charge applied to the imputed customer usage during the billing period. The imputed customer usage is calculated as the sum of the metered on-site generation and the net of the

bidirectional flow of power across the customer interconnection during the billing period. The commission shall establish standby charges for customers on demand-based rate schedules that provide an equivalent contribution to electric utility system costs. Standby charges may not be applied to customers with systems capable of generating 150 kWac or less.

(2) The credit for excess generation must appear on the next bill. Any excess kWh not used to offset current charges must be carried forward for use in subsequent billing periods.

(3) A customer qualifying for modified net metering shall not have legacy net metering program credits applied to distribution charges.

(4) The credit per kWh for kWh delivered into the electric utility's distribution system must be either of the following as determined by the commission:

(a) The monthly average real-time locational marginal price for energy at the commercial pricing node within the electric utility's distribution service territory or for a legacy net metering program customer on a time-based rate schedule, the monthly average real time locational marginal price for energy at the commercial pricing node within the electric utility's distribution service territory during the time-of-use pricing period.

(b) The electric utility's or alternative electric supplier's power supply component, excluding transmission charges, of the full retail rate during the billing period or time-of-use pricing period.

R 460.1020 Billing and credit for distributed generation program customers.

Rule 120. As part of an electric utility's rate case filed after June 1, 2018, the commission shall approve a tariff for a distributed generation program under the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1001 to 460.1211. A tariff established under this rule does not apply to customers participating in a legacy net metering program under the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1001 to 460.1211, before the date that the commission establishes a tariff under this rule, who continue to participate in the program at their current site or facility.

R 460.1022 Renewable energy credits.

Rule 122. (1) An eligible electric generator shall own any renewable energy credits granted for electricity generated under the legacy net metering program and distributed generation program.

(2) An electric utility may purchase or trade renewable energy credits from a legacy net metering program or distributed generation program customer if agreed to by the customer.

(3) The commission may develop a program for aggregating renewable energy credits from legacy net metering program and distributed generation program customers.

R 460.1024 Penalties.

Rule 124. Upon a complaint or on the commission's own motion, if the commission finds after notice and hearing that an electric utility has not complied with a provision or order issued under part 5 of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1171 to 460.1185, the commission shall order remedies and penalties as necessary to make whole a customer or other person who has suffered damages as a result of the violation.

R 460.1026 Legacy net metering grandfathering clause.

Rule 126. A customer participating in a legacy net metering program approved by the commission before the commission establishes the initial distributed generation program tariff pursuant to R 460.1020 may elect to continue to receive service under the terms and conditions of that program for up to 10 years from the date of initial enrollment. “Initial enrollment,” as used in this rule, means the date a customer or site initially enrolled in a legacy net metering program as described in the electric utility’s tariff. A customer participating in a legacy net metering program who increases the nameplate capacity of its generation system after the effective date of an electric utility’s distributed generation program tariff is no longer eligible to participate in the legacy net metering program.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Public Service Commission
Administrative Rules for Interconnection and Distributed Generation Standards
Rule Set 2020-96 LR

NOTICE OF PUBLIC HEARING
Wednesday, October 20, 2021
09:00 AM

Lake Michigan Hearing Room, or: The public hearing will be held in person, and will also be held virtually via Microsoft Teams. Any person may attend and participate in this hearing by visiting the following web link or by dialing the number below at the time of the hearing. WebLink: https://teams.microsoft.com/join/3Ameeting_NTRIYjExZTEtMzYxMi00MTE1LTk4ODktYzIyMzZkZDM4ODQ2%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522d5fb7087-3777-42ad-966a-892ef47225d1%2522%252c%2522Oid%2522%253a%252280e1c56f-c852-45fc-9643-7f8580ebe467%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=ad4b8229-8540-41e4-a239-bd7637cd0f7d&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true Or call in (audio only) +1 248-509-0316,,269161043# United States Phone Conference ID: 269 161 043# 7109W. Saginaw Hwy, Lansing MI 48917

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Interconnection and Distributed Generation Standards rule set.

The Interconnection and Distributed Generation Standards are rules that detail how projects owned by customers, developers, and in some situations, the utility, connect to the utility distribution system. These rules provide a standardized process and schedule so that interconnections can be accommodated in an orderly and timely manner. The rules also ensure that interconnections are done reliably and safely, in order to protect workers, utility and third-party owned equipment, and the public. The Interconnection and Distributed Generation Standards are an update to the Electric Interconnection and Net Metering Standards necessitated by advances in distributed energy resource technology and an increase in distributed generation penetration on the distribution systems in Michigan. The Interconnection and Distributed Generation Standards are promulgated pursuant to the same authority as, and replace, the Electric Interconnection and Net Metering Standards, which will be rescinded concurrently with the approval of these rules.

By authority conferred upon the Commission by section 7(6) of 1909 PA 106, MCL 460.557(6); section 5 of 1919 PA 419, MCL 460.55; sections 4, 6(1), and 10e(3) of 1939 PA 3, MCL 460.4, 460.6(1); and 460.10e(3), and section 173(1) of 2008 PA 295, MCL 460.1173(1)). Section 173(1) of 2008 PA 295, as amended by 2016 PA 342, MCL 460.1173(1), provides: “The commission shall establish a distributed generation program by order issued not later than 90 days after the effective date of the 2016 act that amended this section. The commission may promulgate rules the commission considers necessary to implement this program. Any rules adopted regarding time limits for approval of parallel operation shall recognize reliability and safety complications including those arising from equipment saturation, use of multiple technologies, and proximity to synchronous motor loads. The program shall apply to all electric utilities whose rates are regulated by the commission and alternative electric suppliers in this state.” The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 10/1/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: mpscedockets@michigan.gov.

Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 11/1/2021 at 05:00PM.

Executive Secretary, Case No. U-20890, Michigan Public Service Commission P.O. Box 30221,
Lansing MI 48909

[Email: mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov)

Executive Secretary, Case No. U-20890, Michigan Public Service Commission P.O. Box 30221,
Lansing MI 48909

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-284-8090 to make arrangements.

MICHIGAN ADMINISTRATIVE CODE TABLE
(2021 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

“(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.”

The following table cites administrative rules promulgated during the year 2021 and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2020 RULE FILINGS)**

R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue
Rule 1	E	4	285.637.11	*	10	325.62995	*	11
Rule 2	E	4	325.34001	*	6	325.62996	*	11
Rule 1	E	4	325.34005	R	6	325.64001	*	6
Rule 2	E	4	325.34010	R	6	325.77101	*	8
Rule 3	E	4	325.47201	*	6	325.70001	*	8
Rule 4	E	4	325.50051	*	6	325.70001a	R	8
Rule 5	E	4	325.50091	*	9	325.70015	*	8
Rule 6	E	4	325.50092	R	9	325.51401	*	8
Rule 7	E	4	325.50093	R	9	338.1	*	8
Rule 8	E	4	325.50100	*	7	338.1a	*	8
Rule 9	E	4	325.50141	*	7	338.2	*	8
Rule 10	E	4	325.50142	R	7	338.3	*	8
Rule 1	E	4	325.50143	R	7	338.4	*	8
Rule 2	E	4	325.51151	*	6	338.5	*	8
Rule 3	E	4	325.51301	*	6	338.6	*	8
Rule 4	E	4	325.51302	R	6	338.7	*	8
Rule 5	E	4	325.51451	*	6	338.8	*	8
Rule 1	E	10	325.51501	*	6	338.9	*	8
Rule 2	E	10	325.51601	*	6	338.10	*	8
Rule 3	E	10	325.51651	*	6	338.11	*	8
Rule 4	E	10	325.51652	R	6	338.12	*	8
Rule 5	E	10	325.51653	R	6	338.111	*	8
Rule 6	E	10	325.51851	*	7	338.113	R	8
Rule 7	E	10	325.51901	*	7	338.114	A	8
Rule 8	E	10	325.51937	*	7	338.115	*	8
Rule 1	E	12	325.51983	*	6	338.117	*	8
Rule 2	E	12	325.51984	R	6	338.119	*	8
28.5101	*	5	325.51958	R	6	338.120	*	8
28.5102	A	5	325.51995	*	6	338.121	*	8
28.5201	*	5	325.51996	R	6	338.123	*	8
28.5202	*	5	325.51997	R	6	338.125	*	8
28.5208	*	5	325.59001	*	6	338.127	*	8
28.5209	*	5	325.60051	*	8	338.129	*	8
28.5210	A	5	325.60052	R	8	338.131	R	8
28.5211	A	5	325.60501	*	4	338.133	*	8
28.5401	*	5	325.60901	*	4	338.141	*	8
28.5402	*	5	325.62991	*	11	338.143	*	8
28.5404	R	5	325.62992	*	11	338.601	*	8
28.5414	*	5	325.62994	*	11	338.602	R	8

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue
338.603	*	8	338.1225	*	9	338.1607a	A	8
338.604	*	8	338.1226	*	9	338.1608	*	8
338.605	*	8	338.1227	*	9	338.1609	R	8
338.607	R	8	338.1228	*	9	338.1612	R	8
338.611	*	8	338.1229	*	9	338.1615	R	8
338.613	*	8	338.1229a	*	9	338.1630	*	8
338.615	*	8	338.1232	*	9	338.1631	*	8
338.617	*	8	338.1233	*	9	338.1632	*	8
338.619	*	8	338.1233a	*	9	338.1632a	A	8
338.621	*	8	338.1234	*	9	338.1751	*	9
338.623	*	8	338.1234a	A	9	338.1751a	R	9
338.627	*	8	338.1235	*	9	338.1752	R	9
338.629	*	8	338.1236	*	9	338.1752a	R	9
338.641	*	8	338.1237	*	9	338.1753	R	9
338.645	*	8	338.1251	*	9	338.1753a	R	9
338.647	*	8	338.1252	*	9	338.1753b	R	9
338.649	*	8	338.1301	*	11	338.1754	R	9
338.701	*	7	338.1302	A	11	338.1755	R	9
338.702	A	7	338.1303	*	11	338.1757	R	9
338.722	*	7	338.1309	*	11	338.1761	A	9
338.722a	A	7	338.1317	*	11	338.1763	A	9
338.724	*	7	338.1321	*	11	338.1765	A	9
338.726	*	7	338.1321a	R	11	338.1771	A	9
338.732	*	7	338.1325	*	11	338.1772	A	9
338.734	*	7	338.1345	*	11	338.1773	A	9
338.735	A	7	338.1349	*	11	338.1774	A	9
338.736	*	7	338.1354	*	11	338.1775	A	9
338.737	A	7	338.1355	*	11	338.1776	A	9
338.738	*	7	338.1357	*	11	338.1781	A	9
338.739	*	7	338.1369	*	11	338.2401	*	8
338.741	*	7	338.1378	*	11	338.2403	R	8
338.751	*	7	338.1601a	A	8	338.2405	R	8
338.752	R	7	338.1601b	A	8	338.2407	A	8
338.1211	*	9	338.1602a	A	8	338.2409	*	8
338.1212	*	9	338.1603	*	8	338.2411	*	8
338.1213	R	9	338.1604	*	8	338.2413	*	8
338.1222	*	9	338.1605	R	8	338.2421	*	8
338.1223	*	9	338.1606	R	8	338.2423	*	8
338.1223a	*	9	338.1607	R	8	338.2425	*	8

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R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue
338.2427	*	8	338.4901a	A	8	338.13003	A	7
338.2429	*	8	338.4902	R	8	338.13004	*	7
338.2431	*	8	338.4903	*	8	338.13005	*	7
338.2433	R	8	338.4904	*	8	338.13006	A	7
338.2435	*	8	338.4905	*	8	338.13007	A	7
338.2437	*	8	338.4906	*	8	338.13008	A	7
338.2441	*	8	338.4907	*	8	338.13010	*	7
338.2443	*	8	338.4907a	A	8	338.13015	R	7
338.2451	A	8	338.4907b	A	8	338.13020	R	7
338.2455	A	8	338.4907c	A	8	338.13025	*	7
338.2457	A	8	338.4908	R	8	338.13026	*	7
338.2461	A	8	338.4909	*	8	338.13028	A	7
338.2463	A	8	338.4910	*	8	338.13030	R	7
338.2465	A	8	338.4911	*	8	338.11101	*	8
338.2471	A	8	338.4913	R	8	338.11103	*	8
338.2473	A	8	338.4914	R	8	338.11120	*	8
338.2481	A	8	338.4914a	R	8	338.11121	*	8
338.2921	*	6	338.4915	R	8	338.11201	*	8
338.2923	*	6	338.4920	R	8	338.11202	*	8
338.2925	*	6	338.4921	*	8	338.11203	*	8
338.2929	*	6	338.4931	*	8	338.11221	*	8
338.2930	A	6	338.4933	*	8	338.11223	*	8
338.2931	*	6	338.5101	*	9	338.11233	*	8
338.2933	*	6	338.5102	*	9	338.11235	*	8
338.2935	*	6	338.5110	R	9	338.11239	*	8
338.2939	*	6	338.5110a	*	9	338.11247	*	8
338.2941	*	6	338.5112	R	9	338.11253	*	8
338.2943	*	6	338.5115	*	9	338.11255	*	8
338.2945	*	6	338.5116	*	9	338.11259	*	8
338.2947	*	6	338.5210	*	9	338.11261	*	8
338.2949	*	6	338.5215	*	9	338.11267	*	8
338.2951	*	6	338.5230	*	9	338.11301	*	8
338.2953	*	6	338.7001	*	11	338.11303	*	8
338.2955	*	6	338.7001a	*	11	338.11307	*	8
338.2957	*	6	338.7002	*	11	338.11401	*	8
338.2961	*	6	338.7002b	*	11	338.11501	*	8
338.2963	*	6	338.7004	A	11	338.11512	*	8
338.2965	R	6	338.13001	*	7	338.11513	*	8
338.4901	*	8	338.13002	*	7	338.11515	*	8

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R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue
338.11517	*	8	338.11222	R	8	339.14026a	*	8
338.11519	*	8	338.11241	R	8	339.19002	A	8
338.11521	*	8	338.11245	R	8	339.19004	A	8
338.11523	*	8	338.11402	R	8	339.19006	A	8
338.11525	*	8	338.11403	R	8	339.19008	A	8
338.11527	*	8	338.11404	R	8	339.19010	A	8
338.11601	*	8	338.11404a	R	8	339.19012	A	8
338.11602	*	8	338.11405	R	8	339.19014	A	8
338.11603	*	8	338.11405a	R	8	339.19016	A	8
338.11605	*	8	338.11405b	R	8	339.19018	A	8
338.11701	*	8	338.11405c	R	8	339.19023	R	8
338.11703	*	8	338.11406	R	8	339.19025	R	8
338.11704	*	8	338.11408	R	8	339.19041	*	8
338.11704a	*	8	338.11409	R	8	339.22101	*	6
338.11705	*	8	338.11410	R	8	339.22203	*	6
338.11801	*	8	338.11505	R	8	339.22217	*	6
338.11811	*	8	338.11604	R	8	339.22219	*	6
338.11813	*	8	338.11704b	R	8	339.22221	*	6
338.11815	*	8	338.11704c	R	8	339.22305	*	6
338.11817	*	8	339.1702	A	9	339.22307	*	6
338.11819	*	8	339.1703	R	9	339.22313	*	6
338.11821	*	8	339.1706	*	9	339.22321	*	6
338.11209	A	8	339.1708	A	9	339.22618	*	6
338.11213	A	8	339.1710	A	9	339.22619	*	6
338.11218	A	8	339.1712	A	9	339.22620	*	6
338.11257	A	8	339.1714	A	9	339.22621	*	6
338.11263	A	8	339.1716	A	9	339.22624	*	6
338.11265	A	8	339.1726	R	9	339.22625	*	6
338.11269	A	8	339.1731	*	9	339.22626	*	6
338.11271	A	8	339.14003	A	8	339.22629	*	6
338.11302	A	8	339.14005	*	8	339.22630	*	6
338.11302a	A	8	339.14008	*	8	339.22632	*	6
338.11411	A	8	339.14012	*	8	339.23101	*	10
338.11415	A	8	339.14013	R	8	339.23104	*	10
338.11417	A	8	339.14020	*	8	339.23203	*	10
338.11419	A	8	339.14020a	*	8	339.23203a	A	10
338.11107	R	8	339.14022	*	8	339.23205	*	10
338.11117	R	8	339.14024	*	8	339.23209	A	10
338.11123	R	8	339.14026	*	8	339.23301	*	10

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339.23303	*	10	408.30501c	A	11	408.42110	*	6
339.23307	*	10	408.30504	*	11	408.42149	*	6
339.23309	*	10	408.30505	*	11	408.42150	*	6
339.23311	*	10	408.30506	*	11	408.42154	*	6
339.23313	*	10	408.30512	R	11	408.42155	R	6
339.23315	*	10	408.30513	*	11	408.42156	*	6
339.23316	*	10	408.30514	R	11	408.42157	*	6
339.23317	*	10	408.30701	*	10	408.42201	*	6
339.23319	*	10	408.30711	*	10	408.42223	*	6
339.23320	*	10	408.30715	*	10	408.42209	R	6
339.23321	*	10	408.30717	*	10	431.1001	*	6
339.23323	*	10	408.30718	*	10	431.1005	*	6
339.23325	*	10	408.30719	R	10	431.1010	*	6
339.23326	*	10	408.30720	R	10	431.1015	*	6
339.23401	*	10	408.30726	A	10	431.1020	*	6
339.23403	*	10	408.30727	A	10	431.1025	*	6
339.23405	*	10	408.30729	A	10	431.1030	*	6
340.1708	*	12	408.30741c	*	10	431.1035	*	6
340.1721e	*	12	408.30755	A	10	431.1045	*	6
400.1101	R	8	408.30757	*	10	431.1047	A	6
400.1102	R	8	408.30791	*	10	431.1050	R	6
400.1103	R	8	408.40105	*	4	431.1052	A	6
400.1104	R	8	408.40132	*	4	431.1055	R	6
400.1105	R	8	408.40601	*	5	431.1060	*	6
400.1106	R	8	408.40615	*	5	431.1061	A	6
400.1107	R	8	408.40616	*	5	431.1065	*	6
408.14901	*	9	408.40617a	*	5	431.1070	*	6
408.14902	R	9	408.40624a	R	5	431.1075	R	6
408.14923	*	9	408.40636	*	5	431.1080	R	6
408.16202	*	6	408.40801	R	6	431.1085	*	6
408.16207	*	6	408.40810	*	6	431.1090	R	6
408.16211	*	6	408.40818	*	6	431.1095	*	6
408.16223	R	6	408.41301	*	11	431.1101	*	6
408.16226	*	6	408.41410	*	4	431.1105	*	6
408.16227	R	6	408.41461	*	4	431.1110	*	6
408.16234	*	6	408.41467	*	4	431.1115	*	6
408.16251	R	6	408.41475a	*	4	431.1120	*	6
408.30500	*	11	408.41477	*	4	431.1125	*	6
408.30501b	A	11	408.41478	*	4	431.1130	*	6

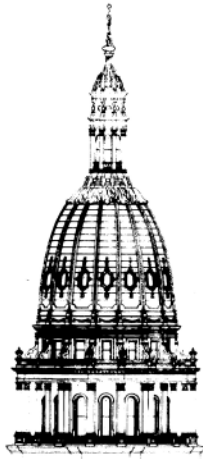
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R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue
431.1135	R	6	431.1340	*	6	431.3045	*	6
431.1140	*	6	431.2001	*	6	431.3050	R	6
431.1145	*	6	431.2005	R	6	431.3055	*	6
431.1150	*	6	431.2010	*	6	431.3060	*	6
431.1155	*	6	431.2015	*	6	431.3065	*	6
431.1160	*	6	431.2020	*	6	431.3070	*	6
431.1165	*	6	431.2025	*	6	431.3075	*	6
431.1175	*	6	431.2030	*	6	431.3080	*	6
431.1180	R	6	431.2035	*	6	431.3085	R	6
431.1185	R	6	431.2036	A	6	431.3090	*	6
431.1190	R	6	431.2040	R	6	431.3095	*	6
431.1195	R	6	431.2045	R	6	431.3101	*	6
431.1200	*	6	431.2050	*	6	431.3105	*	6
431.1205	*	6	431.2055	*	6	431.3110	*	6
431.1210	*	6	431.2060	*	6	431.3115	*	6
431.1215	*	6	431.2061	R	6	431.3120	*	6
431.1220	*	6	431.2070	*	6	431.3125	*	6
431.1230	*	6	431.2061	R	6	431.3130	*	6
431.1235	*	6	431.2070	*	6	431.3140	*	6
431.1240	*	6	431.2075	*	6	431.3145	*	6
431.1245	*	6	431.2080	R	6	431.3155	*	6
431.1250	*	6	431.2090	*	6	431.3160	*	6
431.1255	*	6	431.2094	A	6	431.3165	*	6
431.1260	*	6	431.2095	R	6	431.3170	*	6
431.1261	A	6	431.2096	A	6	431.3175	*	6
431.1265	*	6	431.2100	R	6	431.3180	*	6
431.1270	*	6	431.2105	R	6	431.3201	*	6
431.1275	*	6	431.2110	R	6	431.3205	*	6
431.1280	*	6	431.2115	R	6	431.3210	*	6
431.1285	R	6	431.2120	*	6	431.3215	*	6
431.1290	R	6	431.3001	*	6	431.3220	*	6
431.1295	*	6	431.3005	*	6	431.3225	*	6
431.1301	*	6	431.3010	*	6	431.3230	*	6
431.1302	A	6	431.3015	R	6	431.3235	*	6
431.1303	A	6	431.3020	*	6	431.3240	R	6
431.1304	A	6	431.3025	*	6	431.3245	*	6
431.1325	*	6	431.3030	*	6	431.3250	*	6
431.1330	*	6	431.3035	*	6	431.3255	*	6
431.1335	*	6	431.3040	*	6	431.3260	*	6

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R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue	R Number	Action	2021 MR Issue
431.3265	*	6	431.4160	*	6	500.1122	*	10
431.3270	*	6	431.4165	R	6	500.1123	*	10
431.3275	*	6	431.4170	*	6	500.1124	*	10
431.3290	*	6	431.4175	*	6	500.1125	*	10
431.3295	*	6	431.4180	*	6	500.1127	*	10
431.3300	R	6	431.4185	*	6	500.1128	*	10
431.3301	*	6	431.4190	*	6	500.1130	*	10
431.3305	*	6	431.4195	*	6	500.1131	*	10
431.3310	*	6	431.4200	*	6	500.1132	*	10
431.4001	*	6	431.4205	R	6	500.1133	*	10
431.4005	*	6	431.4210	*	6	500.1134	A	10
431.4010	*	6	431.4215	*	6	500.1501	*	6
431.4015	*	6	431.4220	*	6	500.1502	*	6
431.4020	*	6	431.4225	*	6	500.1503	*	6
431.4025	*	6	431.4230	*	6	500.1501	*	6
431.4030	*	6	431.4240	*	6	500.1502	*	6
431.4035	*	6	431.4255	*	6	500.1503	*	6
431.4040	*	6	431.4260	*	6	500.1504	*	6
431.4045	*	6	431.4265	*	6	500.1505	*	6
431.4050	*	6	431.4270	*	6	500.1506	*	6
431.4055	*	6	431.4275	*	6	500.1507	*	6
431.4060	*	6	431.4280	*	6	500.1508	*	6
431.4070	*	6	431.4285	*	6	500.1509	*	6
431.4075	*	6	431.4290	*	6	500.1510	*	6
431.4080	*	6	431.5001	A	6	500.1511	*	6
431.4085	*	6	431.5005	A	6	500.1512	*	6
431.4090	*	6	431.5010	A	6	500.1513	*	6
431.4095	*	6	431.5015	A	6	500.1514	*	6
431.4100	*	6	431.5020	A	6	500.1515	*	6
431.4105	*	6	431.5025	A	6	500.1516	*	6
431.4110	*	6	431.5030	A	6	500.1517	*	6
431.4115	*	6	431.5035	A	6	500.1518	*	6
431.4125	*	6	431.5040	A	6	500.1519	*	6
431.4130	*	6	436.1319	R	3	500.1520	*	6
431.4135	*	6	500.241	A	12	500.1521	*	6
431.4140	*	6	500.242	A	12			
431.4145	*	6	500.243	A	12			
431.4150	*	6	500.244	A	12			
431.4155	*	6	500.245	A	12			

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General Industry Part 340. Beryllium in GI (2021-6)
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General Industry and Construction Safety and Health Standard Part 451. Respiratory Protection (2021-8)
General Industry Part 472. Medical Services and First Aid (2021-6)
GI & CS and Health Standard Pt 505. Coronavirus Disease 2019 (COVID-19) for Healthcare(2021-15*)
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LICENSING & REGULATORY AFFAIRS

Correction

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STATE, DEPARTMENT OF

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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2021 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2021 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

September 13, 2021
Compiled through PA 83 of 2021

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001		0030	Yes	3/2/2021	3/2/2021	3/2/2021	Highways; memorial ; portion of I-94 in Wayne County; designate as the "Firefighter Coleman A. Tate Memorial Highway". (<i>Sen. Adam J. Hollier</i>)
0002	4047		Yes	3/9/2021	3/9/2021	3/9/2021 +	Appropriations; supplemental ; supplemental appropriations; provide for fiscal year 2020-2021. (<i>Rep. Timothy Beson</i>)
0003	4048		Yes	3/9/2021	3/9/2021	3/9/2021 +	School aid; supplemental ; supplemental school funding; provide for. (<i>Rep. Brad Paquette</i>)
0004		0186	Yes	3/24/2021	3/24/2021	3/24/2021	Agriculture; industrial hemp ; regulations for growing industrial hemp; modify. (<i>Sen. Dan Lauwers</i>)
0005		0100	Yes	3/26/2021	3/26/2021	3/26/2021	Children; child care ; definition of foster care; provide for. (<i>Sen. John Bizon, M.D.</i>)
0006	4126		Yes	4/8/2021	4/8/2021	4/8/2021	Natural resources; hunting ; pheasant stamp program; modify. (<i>Rep. Gary Howell</i>)
0007	4569		Yes	4/22/2021	4/22/2021	4/22/2021	Individual income tax; city ; extension of 2020 city income tax filing deadline; allow. (<i>Rep. Andrew Beeler</i>)
0008	4571		Yes	4/22/2021	4/22/2021	4/22/2021	Individual income tax; returns ; extension of filing deadline for 2020 income taxes; allow. (<i>Rep. Tenisha Yancey</i>)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0009	4469		Yes	5/6/2021	5/7/2021	5/7/2021	Appropriations; natural resources; Michigan natural resources trust fund; provide appropriations for fiscal year 2021-2022. (Rep. Sue Allor)
0010	4019		Yes	5/6/2021	5/7/2021	5/7/2021	Appropriations; zero budget; multi-department supplemental appropriations; provide for fiscal year 2020-2021. (Rep. Thomas Albert)
0011	4429		Yes	5/13/2021	5/13/2021	5/13/2021	Highways; memorial; portion of US-2 and US-41; designate as the "Darryl M. Rantanen Memorial Highway". (Rep. Beau LaFave)
0012	4067		No	5/13/2021	5/13/2021	**	Health occupations; dentists; health profession specialty field license; expand to include other health profession specialty fields. (Rep. Ben Frederick)
0013	4053		Yes	5/13/2021	5/13/2021	5/13/2021	Highways; memorial; portion of M-120; designate as the "Deputy Ernest W. Heikkila Memorial Highway". (Rep. Greg VanWoerkom)
0014		0016	Yes	5/19/2021	5/19/2021	8/17/2021	Housing; inspection; change of ownership; exclude certain transfers. (Sen. Dale W. Zorn)
0015		0118	Yes	5/19/2021	5/19/2021	5/19/2021	School aid; penalties; penalties for prohibited conduct; modify. (Sen. Ed McBroom)
0016		0141	Yes	5/24/2021	5/25/2021	8/23/2021 #	Liquor; spirits; definition of mixed spirit drink; modify, and modify eligibility for direct shipper license and retailer delivery. (Sen. Wayne A. Schmidt)
0017		0142	Yes	5/24/2021	5/25/2021	8/23/2021 #	Liquor; retail sales; allowing in state and out-of-state mixed spirit drink manufacturers to deliver mixed spirit drink to retailers; provide for. (Sen. Winnie Brinks)
0018		0143	Yes	5/24/2021	5/25/2021	8/23/2021 #	Liquor; spirits; definition of mixed spirit drink; modify. (Sen. Jeremy Moss)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0019		0144	Yes	5/24/2021	5/25/2021	8/23/2021 #	Liquor; spirits ; definition of mixed spirit drink; modify. (Sen. Curtis S. VanderWall)
0020		0049	Yes	6/3/2021	6/3/2021	6/3/2021	Liquor; permits ; an on-premises tasting room and an off-premises tasting room held at same location; allow under certain conditions. (Sen. Kimberly A. LaSata)
0021	4043		No	6/8/2021	6/9/2021	**	Mental health; other ; information gathered by the electronic inpatient bed registry; require to be reported to the Michigan crisis and access line. (Rep. Mary Whiteford)
0022	4044		No	6/8/2021	6/9/2021	**	Mental health; other ; state-operated registries related to mental health; require to report data to the Michigan crisis and access line. (Rep. Mary Whiteford)
0023	4376		Yes	6/9/2021	6/9/2021	9/7/2021 #	Occupations; individual licensing and registration ; waiver of licensing fees for veterans, members of the armed forces, members of the uniformed forces, and their dependents; provide for. (Rep. Andrea Schroeder)
0024	4377		Yes	6/9/2021	6/9/2021	9/7/2021	Occupations; individual licensing and registration ; licensing reciprocity for certain skilled trades for veterans, members of the armed forces, members of the uniformed services, and their dependents who hold an out-of-state license; provide for. (Rep. Sarah Anthony)
0025		0157	Yes	6/9/2021	6/9/2021	9/7/2021	Health occupations; health professionals ; reciprocity for veterans, members of the armed forces, members of the uniformed services, and their dependents who hold an out-of-state license or registration; provide for. (Sen. John Bizon, M.D.)
0026		0312	Yes	6/9/2021	6/9/2021	9/7/2021 #	Occupations; individual licensing and registration ; licensing reciprocity for certain occupations for veterans, members of the armed forces, members of the uniformed services, and their dependents who hold an out-of-state license; provide for. (Sen. Marshall Bullock)
0027		0437	Yes	6/15/2021	6/15/2021	6/15/2021	Michigan business tax; credits ; time frame for completion of certain multiphase projects; modify. (Sen. Wayne A. Schmidt)
0028	4325		No	6/15/2021	6/15/2021	**	Senior citizens; other ; criminal history check for employees, volunteers, or independent contractors of a local area agency on aging; require. (Rep. Matt Hall)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0029	4445		No	6/15/2021	6/15/2021	**	Liquor; licenses ; minimum number of sporting events for a motor sports license; reduce. (Rep. Sarah Lightner)
0030		0037	Yes	6/23/2021	6/23/2021	6/23/2021	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2020-2021. (Sen. Jim Stamas)
0031		0010	Yes	6/24/2021	6/24/2021	6/24/2021	Records; veterans ; veteran services boards; allow to hold closed sessions when interviewing veterans' applications for benefits. (Sen. Lana Theis)
0032	4040		No	6/24/2021	6/24/2021	**	Education; occupational schools ; occupational school regulations; exempt certain apprenticeship programs. (Rep. Ben Frederick)
0033	4050		Yes	6/24/2021	6/24/2021	6/24/2021	Civil rights; public records ; certain data relating to location of game; exempt from freedom of information act requests. (Rep. John Cherry)
0034	4122		Yes	6/24/2021	6/24/2021	6/24/2021	Military affairs; other ; distribution structure of the county veteran service fund; modify. (Rep. Annette Glenn)
0035		0440	Yes	6/24/2021	6/24/2021	6/24/2021	Health facilities; certificate of need ; certain PET scanners; exempt from certificate of need regulations. (Sen. Winnie Brinks)
0036		0155	Yes	7/1/2021	7/1/2021	7/1/2021	Health; pharmaceuticals ; emergency dispensing of insulin; provide for under certain circumstances. (Sen. Kevin Daley)
0037		0156	Yes	7/1/2021	7/1/2021	7/1/2021 #	Insurance; health insurers ; coverage for emergency refill of prescription medication of insulin for up to a 30-day supply; provide for. (Sen. Kevin Daley)
0038		0256	Yes	7/1/2021	7/1/2021	7/1/2021	Sales tax; distribution ; transfer of funds from the comprehensive transportation fund into the transportation administration collection fund; provide for. (Sen. Roger Victory)

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+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0039		0438	Yes	7/1/2021	7/1/2021	7/1/2021	Criminal procedure ; arrests; exception to the presumption for issuance of appearance tickets in lieu of an arrest in operating while intoxicated; provide for. (<i>Sen. Curtis S. VanderWall</i>)
0040	4055		Yes	7/1/2021	7/1/2021	7/1/2021	Higher education ; financial aid; state competitive scholarships; modify. (<i>Rep. Sarah Anthony</i>)
0041	4056		Yes	7/1/2021	7/1/2021	7/1/2021	Higher education ; tuition; tuition grants; modify. (<i>Rep. Scott VanSingel</i>)
0042	4540		Yes	7/1/2021	7/1/2021	7/1/2021	Law enforcement ; other; transit police officers as law enforcement officers; establish. (<i>Rep. Tyrone Carter</i>)
0043	4541		Yes	7/1/2021	7/1/2021	7/1/2021	Vehicles ; other; street cars; modify motor vehicle code to provide for. (<i>Rep. Graham Filler</i>)
0044	4641		Yes	7/1/2021	7/1/2021	7/1/2021	Economic development ; neighborhood enterprise zones; filing of neighborhood enterprise zone certificate extension; modify. (<i>Rep. Steve Marino</i>)
0045	4123		Yes	7/1/2021	7/1/2021	7/1/2021	Water supply ; systems; use of clean water assistance and safe drinking water assistance funds for energy efficiency water works projects; modify. (<i>Rep. Beth Griffin</i>)
0046	4015		No	7/1/2021	7/1/2021	**	Consumer protection ; marketing and advertising; disclosure from third-party websites conducting state business; require. (<i>Rep. Sarah Lightner</i>)
0047	4421		Yes	7/7/2021	7/7/2021	7/7/2021	Appropriations ; school aid; multisection school aid supplemental for fiscal year 2021-2022; provide for. (<i>Rep. Brad Paquette</i>)
0048	4411		Yes	7/13/2021	7/13/2021	*** +	Appropriations ; school aid; provide for fiscal years 2020-2021 and 2021-2022. (<i>Rep. Brad Paquette</i>)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0049	4201		Yes	7/13/2021	7/13/2021	10/11/2021 #	Transportation; school vehicles; penalties for entering a school bus without authorization or impeding or obstructing a school bus; create. (Rep. Jack O'Malley)
0050	4202		Yes	7/13/2021	7/13/2021	10/11/2021 #	Transportation; school vehicles; school bus stop-arm cameras; allow. (Rep. Tyrone Carter)
0051	4203		Yes	7/13/2021	7/13/2021	10/11/2021 #	Transportation; school vehicles; allowable painting of school buses; modify. (Rep. Jewell Jones)
0052	4204		Yes	7/13/2021	7/13/2021	10/11/2021 #	Transportation; school vehicles; school bus stop-arm cameras; allow. (Rep. Greg VanWoerkom)
0053	4359		Yes	7/13/2021	7/13/2021	10/11/2021	Health occupations; nurses; scope of practice of registered professional nurse holding a specialty certification as a nurse anesthetist; modify. (Rep. Mary Whiteford)
0054	4603		Yes	7/13/2021	7/13/2021	7/13/2021	Civil rights; open meetings; circumstances permitting public meetings of certain public bodies to be held electronically by telephonic or video conferencing; modify. (Rep. Joe Bellino)
0055	4516		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; liability; sale of marihuana to an individual who is younger than 21 years of age or visibly intoxicated; prohibit, and create cause of action for harm that the individual causes. (Rep. Jim Lilly)
0056	4517		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other; definitions of marihuana and industrial hemp; modify, and require the marijuana regulatory agency to promulgate rules regarding. (Rep. Yusef Rabhi)
0057	4740		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other; certain definitions in the medical marihuana facilities licensing act; modify. (Rep. Pat Outman)
0058	4741		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other; certain definitions in the industrial hemp growers act; modify. (Rep. TC Clements)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0059	4742		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other ; certain definitions in the marihuana tracking act; modify. (Rep. Tenisha Yancey)
0060	4743		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other ; certain definitions in the public health code; modify. (Rep. Julie Calley)
0061	4744		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other ; certain definitions in the industrial hemp research and development act; modify. (Rep. Richard Steenland)
0062	4745		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other ; certain definitions in the Michigan Medical Marihuana Act; modify. (Rep. Jim Lilly)
0063	4746		Yes	7/13/2021	7/13/2021	10/11/2021	Liquor; other ; definition of marihuana in the Michigan liquor control code of 1998; modify. (Rep. Roger Hauck)
0064		0559	Yes	7/13/2021	7/13/2021	7/13/2021	Liquor; other ; provisions relating to drinks to go and social districts; extend sunset. (Sen. Aric Nesbitt)
0065		0028	Yes	7/15/2021	7/15/2021	7/15/2021	Appropriations; zero budget ; supplemental appropriations; provide for multi-year supplemental. (Sen. Jim Stamas)
0066		0501	Yes	7/17/2021	7/19/2021	7/19/2021	Employment security; benefits ; applicant for unemployment benefits; require to register with a Michigan works agency, and extend work search waiver in certain circumstances. (Sen. Ken Horn)
0067		0027	Yes	7/26/2021	7/27/2021	7/27/2021	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2020-2021. (Sen. Jim Stamas)
0068		0060	Yes	7/29/2021	7/29/2021	7/29/2021	Occupations; mechanical contractors ; minimum experience requirement to take written license examination; modify. (Sen. Roger Victory)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0069		0372	Yes	7/29/2021	7/29/2021	7/29/2021	Communications ; telecommunications; requirement for distribution of printed directory; modify. (Sen. Ken Horn)
0070		0459	Yes	7/29/2021	7/29/2021	7/29/2021	Economic development ; neighborhood enterprise zones; filing of neighborhood enterprise zone certificate; modify. (Sen. Jeremy Moss)
0071		0507	Yes	7/29/2021	7/29/2021	7/29/2021 #	Traffic control ; driver license; additional extension of renewal date for driver license or registration; provide for. (Sen. Kevin Daley)
0072		0508	Yes	7/29/2021	7/29/2021	7/29/2021 #	Traffic control ; driver license; additional extension of renewal date for enhanced driver licenses and enhanced state identification cards; provide for. (Sen. Ruth A. Johnson)
0073		0509	Yes	7/29/2021	7/29/2021	7/29/2021 #	State ; identification cards; additional extension of renewal date for state identification cards; provide for. (Sen. Curtis S. VanderWall)
0074	4656		No	7/29/2021	7/29/2021	**	Courts ; circuit court; twenty-fifth circuit court; restore judgeship. (Rep. Sara Cambensy)
0075	4980		Yes	7/29/2021	7/29/2021	7/29/2021	Traffic control ; speed restrictions; drag racing; make prohibition of inapplicable to scramble area at Silver Lake State Park. (Rep. Scott VanSingel)
0076	4735		Yes	7/29/2021	7/29/2021	7/29/2021	Highways ; memorial; portion of US-127 in Clinton County; designate as the "PFC Ronald James Fitch Memorial Highway" and portion of M-10 in Eaton County; designate as the "Ensign Francis Flaherty Memorial Highway". (Rep. Graham Filler)
0077			No	No	7/15/2021	**	Initiated Law ; proclamation of state of emergency by governor; powers and duties; repeal.;
0078	4219		Yes	8/23/2021	8/23/2021	2/19/2022 #	Criminal procedure ; expunction; definition of first violation operating while intoxicated offense for purposes of expungement; provide for. (Rep. Tenisha Yancey)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0079	4220		Yes	8/23/2021	8/23/2021	2/19/2022 #	Criminal procedure; expunction; eligibility for record expungement of operating while intoxicated convictions; allow. (Rep. Joe Bellino)
0080	4308		Yes	8/23/2021	8/23/2021	11/21/2021 #	Crimes; intoxication or impairment; blood alcohol level requirement for certain alcohol-related driving violations; eliminate sunset for .08 limit. (Rep. Abdullah Hammoud)
0081	4309		Yes	8/23/2021	8/23/2021	11/21/2021 #	Criminal procedure; sentencing guidelines; blood alcohol level requirement for certain alcohol-related driving violations; eliminate sunset for .08 limit. (Rep. Graham Filler)
0082		0400	Yes	9/10/2021	9/10/2021	3/9/2022 #	Criminal procedure; expunction; time period required to elapse before applying to expunge operating while intoxicated conviction; provide for. (Sen. Ed McBroom)
0083		0408	Yes	9/10/2021	9/10/2021	9/10/2021	Civil procedure; other; order granting new trial; provide for immediate appeal. (Sen. Roger Victory)
Veto	4049		No	No		3/9/2021	Health; diseases; authority to close certain schools to in-person instruction and prohibit certain sporting events in emergency orders issued in response to an epidemic; modify. (Rep. Pamela Hornberger)
Veto		0001	No	No		3/24/2021	Health; diseases; time limits on emergency orders issued in response to an epidemic; provide for unless extension is approved by the legislature and require emergency order to include certain information. (Sen. Lana Theis)
Veto		0029	No	No		3/26/2021	Appropriations; supplemental; supplemental appropriations for 2019-2020 and 2020-2021; provide for. (Sen. Jim Stamas)
Veto		0114	No	No		3/26/2021	Appropriations; zero budget; multidepartment supplemental appropriations; provide for fiscal year 2020-2021. (Sen. Jim Stamas)
Veto	4210		No	No		4/14/2021 #	Property tax; utility property; eligible broadband equipment; exempt from certain taxes. (Rep. Beth Griffin)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
Veto		0046	No	No		5/13/2021	Property tax; exemptions; eligible broadband equipment; exempt from personal property tax. (<i>Sen. Aric Nesbitt</i>)
Veto		0017	No	No		5/19/2021	Public employees and officers; other; 1968 PA 317 regarding contracts of public servants with public entities; modify certain population thresholds. (<i>Sen. Dale W. Zorn</i>)
Veto	4448		No	No		6/3/2021	State financing and management; other; suspension of freedom of information act requests in an executive order under the emergency management act; prohibit. (<i>Rep. Steven Johnson</i>)
Veto	4728		No	No		6/3/2021	Health; diseases; exemption for high school commencement ceremonies from emergency orders issued to control an epidemic; provide for under certain circumstances. (<i>Rep. Ann Bollin</i>)
Veto	4224		No	No		6/25/2021	Sales tax; exemptions; exemption for certain personal protective equipment; provide for. (<i>Rep. Jim Lilly</i>)
Veto	4225		No	No		6/25/2021	Use tax; exemptions; exemption for certain personal protective equipment; provide for. (<i>Rep. Sarah Anthony</i>)
Veto	4945		No	No		7/1/2021	Education; alternative; operation of a strict discipline academy; modify. (<i>Rep. Pamela Hornberger</i>)
Veto	4288		No	No		7/13/2021	Corporate income tax; flow-through entities; entity flow-through tax; provide for. (<i>Rep. Mark Tisdell</i>)
Veto	4434		No	No		7/20/2021	Employment security; administration; plain language; require the unemployment agency to use in communications and determinations. (<i>Rep. Jeff Yaroach</i>)
Veto	4061		No	No		9/10/2021	Law enforcement; communications; restrictions for use of the emergency alert system; provide for. (<i>Rep. Bradley Slagh</i>)

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
Veto	4272		No	No		9/10/2021	<i>Environmental protection; other</i> ; gas cans manufactured in Michigan; provide for labeling of and declare not part of interstate commerce. <i>(Rep. Steven Johnson)</i>

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.